

SENATE BILL No. 404

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22; IC 15-20-2.

Synopsis: Hunting preserves. Provides for the licensing and operation of hunting preserves on which farm raised and released cervidae and game birds 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 and game birds on a hunting preserve.

Effective: July 1, 2014.

Yoder

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



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~~. and **IC 14-22-20.7**,
5 "**cervidae**" means **privately owned members of the cervidae**
6 **family, including deer, elk, moose, reindeer, and caribou.**

7 SECTION 2. IC 14-8-2-111 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 111. "~~Game bird~~", For
9 purposes of IC 14-22-8 has the meaning set forth in ~~IC 14-22-8-2~~. and
10 **IC 14-22-20.7**, "**game bird**" means **pheasant, quail, grouse,**
11 **mourning dove, and wild turkey.**

12 SECTION 3. IC 14-8-2-128.3 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: **Sec. 128.3. "Hunting preserve", for**
15 **purposes of IC 14-22-20.7, has the meaning set forth in**
16 **IC 14-22-20.7-1.**



1 SECTION 4. IC 14-8-2-195 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 195. "Owner" has the
 3 following meaning:

4 (1) For purposes of IC 14-11-4, the meaning set forth in
 5 IC 14-11-4-2.

6 (2) For purposes of IC 14-15, a person who has the legal title to
 7 a watercraft.

8 (3) For purposes of IC 14-16-1, the meaning set forth in
 9 IC 14-16-1-6.

10 **(4) For purposes of IC 14-22-20.7, the meaning set forth in**
 11 **IC 14-22-20.7-2.**

12 ~~(4)~~ (5) For purposes of IC 14-25-4, the meaning set forth in
 13 IC 14-25-4-4.

14 ~~(5)~~ (6) For purposes of IC 14-27-7, the meaning set forth in
 15 IC 14-27-7-1.

16 ~~(6)~~ (7) For purposes of IC 14-27-7.5, the meaning set forth in
 17 IC 14-27-7.5-4.

18 ~~(7)~~ (8) For purposes of IC 14-36, the term includes the following:

19 (A) Owners in fee.

20 (B) Life tenants.

21 (C) Tenants for years.

22 (D) Holders of remainder of reversionary interests.

23 (E) Holders of leaseholds or easements.

24 (F) Holders of mineral rights.

25 ~~(8)~~ (9) For purposes of IC 14-37, a person who has the right to
 26 drill into and produce from a pool and to appropriate the oil and
 27 gas produced from the pool for:

28 (A) the person or others; or

29 (B) the person and others.

30 ~~(9)~~ (10) For the purposes of IC 14-22-10-2, the meaning set forth
 31 in IC 14-22-10-2(c).

32 SECTION 5. IC 14-8-2-200.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2014]: **Sec. 200.5. "Permitted animal", for**
 35 **purposes of IC 14-22-20.7, has the meaning set forth in**
 36 **IC 14-22-20.7-3.**

37 SECTION 6. IC 14-22-20-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The department
 39 may, under rules adopted under IC 4-22-2, issue to a resident of
 40 Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

41 (1) propagate in captivity; and

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



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

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

6 SECTION 7. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]:

9 **Chapter 20.7. Cervidae and Game Bird Hunting Preserves**

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

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

15 **Sec. 3. As used in this chapter, "permitted animal" means the**
16 **following farm raised and released animals:**

17 **(1) Cervidae.**

18 **(2) Game birds, including chukar partridges, properly**
19 **marked mallard ducks, and other bird species.**

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

22 **(1) either:**

23 **(A) meets the requirements set forth in this chapter; or**

24 **(B) operated, at any time, a hunting preserve during the**
25 **period beginning January 1, 2005, and ending December**
26 **31, 2013; and**

27 **(2) pays a fee of two hundred fifty dollars (\$250).**

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

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

31 **(2) pays an annual fee of two hundred fifty dollars (\$250).**

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

33 **(1) raised on a farm in Indiana; or**

34 **(2) legally:**

35 **(A) acquired in Indiana; or**

36 **(B) imported into Indiana;**

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

39 **are the property of the licensed owner of the hunting preserve**
40 **containing the permitted animals.**

41 **Sec. 6. (a) A hunting preserve must provide sufficient space and**
42 **cover to allow permitted animals the opportunity to elude hunters.**



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

3 **(1) If a person begins to operate a preserve after December**
 4 **31, 2013, the preserve must contain at least two hundred (200)**
 5 **acres.**

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

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

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

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

15 **Sec. 7. (a) Subject to subsection (b), before a hunting preserve**
 16 **may release permitted animals and begin operations under an**
 17 **initial hunting preserve license, the hunting preserve site must pass**
 18 **an inspection by the department and the Indiana board of animal**
 19 **health.**

20 **(b) If an owner operated, at any time, a hunting preserve during**
 21 **the period beginning January 1, 2005, and ending December 31,**
 22 **2013, the owner may release permitted animals and resume the**
 23 **hunting preserve operations when a hunting preserve license is**
 24 **issued without a site inspection.**

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

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

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

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

34 **(b) The department shall provide the licensed owner of a**
 35 **hunting preserve either a transportation tag or a cull tag for every**
 36 **cervidae taken on the hunting preserve. The licensed owner shall**
 37 **pay the department a fee of fifty dollars (\$50) per buck and twenty-**
 38 **five dollars (\$25) per doe for each transportation tag. The**
 39 **department shall provide cull tags to the licensed owner of a**
 40 **hunting preserve without charge.**

41 **(c) The owner of a hunting preserve shall cause a transportation**
 42 **tag to be affixed to a leg of each cervidae taken on the hunting**



1 preserve.

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

4 (e) The owner of a hunting preserve shall provide each hunter
5 with a bill of sale for game birds taken by the hunter from the
6 hunting preserve. The transportation tag affixed to the leg of a
7 cervidae taken on a hunting preserve under subsection (c) is
8 considered to be the bill of sale for the sale of the cervidae by the
9 owner of the hunting preserve to the hunter.

10 (f) The owner of a hunting preserve is not required to purchase
11 a transportation tag for cervidae culled by the owner from the
12 hunting preserve and transported directly for personal
13 consumption, or to a butcher or a charity. However, the owner
14 shall cause a cull tag to be affixed to a leg of each cervidae culled
15 by the owner.

16 Sec. 11. (a) A licensed owner of a hunting preserve shall keep
17 records of:

18 (1) the number of each permitted animal species purchased
19 for the hunting preserve;

20 (2) the number of each species harvested in the hunting
21 preserve; and

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

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

29 Sec. 12. (a) Permitted animals may be hunted on a hunting
30 preserve licensed under this chapter between one half (1/2) hour
31 before sunrise and one half (1/2) hour after sunset, but only from
32 August 15 through April 15.

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

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

37 Sec. 13. (a) Only weapons that may legally be used in hunting on
38 other property in Indiana may be used in hunting on a hunting
39 preserve.

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

42 SECTION 8. IC 14-22-31-0.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. This chapter does not apply**
 3 **to a hunting preserve licensed under IC 14-22-20.7.**

4 SECTION 9. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION
 5 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2014]: Sec. 3. **(a) This section does not apply to farm raised**
 7 **cervidae and game birds on a hunting preserve licensed under**
 8 **IC 14-22-20.7.**

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

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

14 (A) Sheep.

15 (B) Cattle.

16 (C) Horses.

17 (D) Swine.

18 (E) Goats.

19 (F) Mules.

20 (G) Chickens.

21 (H) Geese.

22 (I) Turkeys.

23 (J) Ducks.

24 (K) Guineas.

25 (L) Tame rabbits.

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

29 (N) Bison.

30 (O) Farm raised cervidae.

31 (P) Ratitae.

32 (Q) Camelidae.

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

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

39 SECTION 10. IC 15-20-2-4, AS AMENDED BY P.L.1-2009,
 40 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A county auditor shall
 42 establish procedures in accordance with the requirements of sections



1 ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim
2 to the county auditor or a designee of the county auditor.

3 (b) A county auditor who:

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

6 (2) is satisfied that the claim meets the requirements of sections
7 ~~3(a)~~ **3(b)** and 6 of this chapter;

8 shall immediately issue a warrant or check to the claimant for the
9 verified amount of the claim. If a county option dog tax adopted under
10 IC 6-9-39 is not in effect in the county, a claim under this section may
11 be paid out of nonappropriated funds. A county auditor who is not
12 satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and
13 6 of this chapter shall promptly notify the claimant.

14 (c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is
15 denied by a county auditor may file an action in a court with
16 jurisdiction to determine whether the county auditor acted in
17 conformance with the requirements of this section and sections 3 and
18 6 of this chapter. If the court determines that the county auditor failed
19 to comply with the requirements of this section or sections 3 and 6 of
20 this chapter in evaluating the person's claim, the court may fashion an
21 appropriate remedy, including an order directed to the county auditor
22 to reconsider the person's claim.

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

28 SECTION 12. IC 15-20-2-6, AS ADDED BY P.L.2-2008,
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2014]: Sec. 6. (a) An owner desiring to make a claim under
31 section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:

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

35 (A) A law enforcement officer.

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

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

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

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



- 1 (ii) the damages sustained, less compensation by insurance
 2 or otherwise.
- 3 (B) In an affidavit, the owner must be joined by two (2)
 4 disinterested and reputable freeholders residing in the
 5 township in which the stock, fowl, or game were killed,
 6 maimed, or damaged. The affidavit must state that the
 7 freeholders are:
- 8 (i) disinterested; and
 9 (ii) not related by blood or marriage to the claimant.
- 10 (C) An appraisal of the stock, fowl, or game that were killed,
 11 maimed, or damaged may not exceed the actual cash value of
 12 the stock, fowl, or game. As it applies to ratitae, cash value
 13 may not exceed the slaughter value.
- 14 (D) The owner shall provide verification of the loss by an
 15 officer described in subdivision (1).
- 16 (E) Payment for a loss for property owned by a claimant on the
 17 last property tax assessment date may not be paid if the
 18 property was not reported by the owner for assessment
 19 purposes at that time.
- 20 (b) In addition to the requirements of subsection (a), the claimant,
 21 if requested to do so by the county auditor or a person designated by
 22 the county auditor, must grant the right of subrogation to the county for
 23 the total amount paid on the claim to the claimant by the county on a
 24 form prescribed by the county auditor.
- 25 SECTION 13. IC 15-20-2-7, AS ADDED BY P.L.2-2008,
 26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 7. (a) An officer who receives notice under
 28 section 6(a)(1) of this chapter shall visit the scene of the loss, verify the
 29 loss in writing, and mark each killed, maimed, or damaged animal so
 30 that the animal can support only one (1) claim under this chapter.
- 31 (b) A person desiring to make a claim under section ~~3(a)(2)~~ **3(b)(2)**
 32 of this chapter must provide the county auditor with documentation that
 33 the person, or a person for whom the claimant is financially
 34 responsible, underwent rabies post exposure prophylaxis.

