

HOUSE BILL No. 1683

DIGEST OF INTRODUCED BILL

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

Synopsis: Game preserve licenses. Provides for the licensing and operation of game preserves in which privately owned cervidae and game birds may be hunted. Provides for the auctioning of ten licenses to operate game preserves and establishes \$50,000 as the minimum bid for a license. Requires the director of the Indiana office of management and budget to conduct the auction. Requires game preserve owners: (1) to pay a yearly license renewal fee, which is to be deposited into a hunter safety education fund; and (2) to provide facilities for an annual hunter education course. Provides that the owner of a game preserve is not required to possess a game breeder's license or shooting preserve license. Restricts the sale and transfer of ownership of an ownership interest in a game preserve. Establishes requirements for the operation of game preserves. Provides for the inspection of game preserves by the department of natural resources and the state board of animal health. Establishes record keeping requirements. Provides that a game preserve license that has been revoked may not be reissued. Establishes the hunter safety education fund. Makes a technical correction.

Effective: July 1, 2009.

Wolkins, Friend

January 16, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1683

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, 2009]: Sec. 37.6. "Cervidae" **has the following meaning:**

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

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

8 SECTION 2. IC 14-8-2-71 IS AMENDED TO READ AS
9 FOLLOWS: Sec. 71. (a) Except as provided in ~~subsection~~ **subsections**
10 (b) **and (c)**, "director" refers to the director of the department of natural
11 resources.

12 (b) "Director", for purposes of IC 14-24-12, has the meaning set
13 forth in IC 14-24-12-2.

14 (c) **"Director", for purposes of IC 14-22-20.7-21, has the**
15 **meaning set forth in IC 14-22-20.7-21(a).**

16 SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.85-2008,
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2009]: Sec. 107. "Fund" has the following meaning:
- 2 (1) For purposes of IC 14-9-5, the meaning set forth in
- 3 IC 14-9-5-1.
- 4 (2) For purposes of IC 14-9-8-21, the meaning set forth in
- 5 IC 14-9-8-21.
- 6 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
- 7 IC 14-9-8-21.5.
- 8 (4) For purposes of IC 14-9-9, the meaning set forth in
- 9 IC 14-9-9-3.
- 10 (5) For purposes of IC 14-12-1, the meaning set forth in
- 11 IC 14-12-1-1.
- 12 (6) For purposes of IC 14-12-2, the meaning set forth in
- 13 IC 14-12-2-2.
- 14 (7) For purposes of IC 14-12-3, the meaning set forth in
- 15 IC 14-12-3-2.
- 16 (8) For purposes of IC 14-13-1, the meaning set forth in
- 17 IC 14-13-1-2.
- 18 (9) For purposes of IC 14-13-2, the meaning set forth in
- 19 IC 14-13-2-3.
- 20 (10) For purposes of IC 14-16-1, the meaning set forth in
- 21 IC 14-16-1-30.
- 22 (11) For purposes of IC 14-19-8, the meaning set forth in
- 23 IC 14-19-8-1.
- 24 (12) For purposes of IC 14-20-1, the meaning set forth in
- 25 IC 14-20-1-3.
- 26 (13) For purposes of IC 14-20-11, the meaning set forth in
- 27 IC 14-20-11-2.
- 28 (14) For purposes of IC 14-21-4, the meaning set forth in
- 29 IC 14-21-4-10.
- 30 (15) For purposes of IC 14-22-3, the meaning set forth in
- 31 IC 14-22-3-1.
- 32 (16) For purposes of IC 14-22-4, the meaning set forth in
- 33 IC 14-22-4-1.
- 34 (17) For purposes of IC 14-22-5, the meaning set forth in
- 35 IC 14-22-5-1.
- 36 (18) For purposes of IC 14-22-8, the meaning set forth in
- 37 IC 14-22-8-1.
- 38 (19) For purposes of IC 14-22-34, the meaning set forth in
- 39 IC 14-22-34-2.
- 40 **(20) For purposes of IC 14-22-35, the meaning set forth in**
- 41 **IC 14-22-35-5.**
- 42 ~~(20)~~ **(21)** For purposes of IC 14-23-3, the meaning set forth in

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- 1 IC 14-23-3-1.
- 2 ~~(21)~~ **(22)** For purposes of IC 14-24-4.5, the meaning set forth in
- 3 IC 14-24-4.5-2(5).
- 4 ~~(22)~~ **(23)** For purposes of IC 14-25-2-4, the meaning set forth in
- 5 IC 14-25-2-4.
- 6 ~~(23)~~ **(24)** For purposes of IC 14-25-10, the meaning set forth in
- 7 IC 14-25-10-1.
- 8 ~~(24)~~ **(25)** For purposes of IC 14-25-11-19, the meaning set forth
- 9 in IC 14-25-11-19.
- 10 **(26) For purposes of IC 14-25-12, the meaning set forth in**
- 11 **IC 14-25-12-1.**
- 12 ~~(25)~~ **(27)** For purposes of IC 14-25.5, the meaning set forth in
- 13 IC 14-25.5-1-3.
- 14 ~~(26)~~ **(28)** For purposes of IC 14-28-5, the meaning set forth in
- 15 IC 14-28-5-2.
- 16 ~~(27)~~ **(29)** For purposes of IC 14-31-2, the meaning set forth in
- 17 IC 14-31-2-5.
- 18 ~~(28)~~ For purposes of ~~IC 14-25-12~~, the meaning set forth in
- 19 ~~IC 14-25-12-1~~.
- 20 ~~(29)~~ **(30)** For purposes of IC 14-32-8, the meaning set forth in
- 21 IC 14-32-8-1.
- 22 ~~(30)~~ **(31)** For purposes of IC 14-33-14, the meaning set forth in
- 23 IC 14-33-14-3.
- 24 ~~(31)~~ **(32)** For purposes of IC 14-33-21, the meaning set forth in
- 25 IC 14-33-21-1.
- 26 ~~(32)~~ **(33)** For purposes of IC 14-34-6-15, the meaning set forth in
- 27 IC 14-34-6-15.
- 28 ~~(33)~~ **(34)** For purposes of IC 14-34-14, the meaning set forth in
- 29 IC 14-34-14-1.
- 30 ~~(34)~~ **(35)** For purposes of IC 14-37-10, the meaning set forth in
- 31 IC 14-37-10-1.

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32 SECTION 4. IC 14-8-2-111.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2009]: **Sec. 111.5. "Game preserve", for**
 35 **purposes of IC 14-22-20.7, has the meaning set forth in**
 36 **IC 14-22-20.7-2.**

37 SECTION 5. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2009]:

40 **Chapter 20.7. Cervidae Game Preserves**

41 **Sec. 1. As used in this chapter, "cervidae" means animals that:**
 42 **(1) are privately owned; and**



1 (2) belong to the family cervidae, including deer, elk, moose,
 2 reindeer, and caribou.
 3 Sec. 2. As used in this chapter, "game preserve" means an
 4 enclosed facility located in Indiana where cervidae are hunted.
 5 Sec. 3. The department shall do the following:
 6 (1) Issue an initial game preserve license to a person who
 7 meets the requirements set forth in this chapter.
 8 (2) Subject to sections 15 through 19 of this chapter, renew a
 9 game preserve license issued under this chapter.
 10 Sec. 4. (a) A person who holds a valid license issued under this
 11 chapter may operate a game preserve.
 12 (b) If a person's game preserve license is revoked under this
 13 chapter:
 14 (1) the person may not operate a game preserve under this
 15 chapter; and
 16 (2) a game preserve may no longer be operated on real
 17 property owned by the person.
 18 Sec. 5. Each game preserve must be operated under a separate
 19 license issued under this chapter.
 20 Sec. 6. The owner of a game preserve licensed under this
 21 chapter is not required to possess the following:
 22 (1) A game breeder's license (IC 14-22-20).
 23 (2) A shooting preserve license (IC 14-22-31).
 24 Sec. 7. (a) Animals other than:
 25 (1) cervidae; and
 26 (2) privately owned game birds;
 27 shall not be hunted on a game preserve licensed under this chapter.
 28 (b) If game birds are hunted on a game preserve licensed under
 29 this chapter, each type of game bird may be hunted only:
 30 (1) during the statewide hunting season for that type of game
 31 bird; and
 32 (2) with weapons and ammunition that are allowed to be used
 33 to hunt that type of game bird during the statewide hunting
 34 season for that type of game bird.
 35 Sec. 8. (a) Except as provided in subsections (b) and (c), a game
 36 preserve for which a license has been issued under this chapter
 37 may not be sold or transferred to another person.
 38 (b) A game preserve owner that:
 39 (1) holds a license issued under this chapter; and
 40 (2) is a partnership, limited liability company, or corporation;
 41 may sell or transfer any or all interest in the game preserve to a
 42 person who was listed as a partner, member, or stockholder in the

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1 owner when the initial game preserve license was granted to the
2 owner under this chapter.

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

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

9 **Sec. 9.** Before the department issues a license under this chapter
10 authorizing the use of real property as a game preserve, the owner
11 of the real property must do the following:

12 (1) Pay the winning auction bid as required under section 21
13 of this chapter.

14 (2) Provide the department with the following information:

15 (A) The location, mailing address, and phone number of
16 the real property.

17 (B) If the owner of the real property is not an individual,
18 the name and address of:

19 (i) each officer, director, partner, member, or
20 shareholder of the owner; and

21 (ii) each person who would be an operator of the game
22 preserve.

23 (3) Provide the department with the name and location of any
24 game preserves that the the owner of the real property owns
25 or operates in other states.

26 (4) Move or chase all wild cervidae from the real property.

27 (5) Allow the real property to be inspected by the department.

28 **Sec. 10.** The location of a game preserve licensed under this
29 chapter may not be changed unless the commissioner grants
30 permission for the change in location.

31 **Sec. 11.** A game preserve licensed under this chapter shall be
32 operated in compliance with the following requirements:

33 (1) The game preserve must contain at least one hundred sixty
34 (160) contiguous acres.

35 (2) At least sixty percent (60%) of the area of the game
36 preserve must consist of escape cover.

37 (3) The game preserve must be enclosed by a secured chain
38 linked fence that is at least ten (10) feet in height.

39 (4) The owner or operator of a game preserve must
40 immediately:

41 (A) report to the department; and

42 (B) repair;

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any damage to the fence enclosing the game preserve that could allow any cervidae to escape from the game preserve.
(5) An animal belonging to the family cervidae may not be hunted in the game preserve until at least ten (10) days after the animal is released in the game preserve. The hunting of other animals belonging to the family cervidae shall not be allowed on the game preserve during the ten (10) day period referred to in this subdivision.
(6) The number of hunters on the game preserve at any time may not exceed one (1) per twenty (20) acres.
(7) An animal belonging to the family cervidae that has been taken on the game preserve must be tagged before it is removed from the game preserve.
(8) The game preserve shall be operated in compliance with all rules of the Indiana state board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).
(9) The game preserve may not sell a specific cervidae to a hunter. However, the game preserve may charge a hunter either:
 (A) a basic hunting fee; or
 (B) a fee based upon the antler size of a deer or elk taken by the hunter in the game preserve.
(10) Hunting on the game preserve must be prohibited within one hundred fifty (150) yards of an artificial feeding site.
(11) Any hunting stand in the game preserve must be located at least seventy-five (75) yards from the boundary fence of the game preserve.
(12) Any incident in which:
 (A) a cervidae escapes from the game preserve; or
 (B) a wild deer enters the game preserve;
must immediately be reported to the department by the owner or operator of the game preserve.
(13) Cervidae may be hunted in the game preserve only:
 (A) during the statewide deer hunting season; and
 (B) with weapons and ammunition that are allowed to be used to hunt deer during the statewide deer hunting season.
(14) Hunters in the game preserve must comply with all hunting safety requirements, including the wearing of hunter orange as required by IC 14-22-38-7.
(15) All federal laws related to the taking, transportation, and

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- 1 meat of cervidae, including 16 U.S.C. 701, must be complied
2 with connection with hunting on the game preserve.
- 3 **Sec. 12. (a) The owner of a game preserve shall keep and**
4 **maintain accurate records of the following:**
- 5 (1) Records of production, purchases, or imports to establish
6 proof of ownership of the cervidae.
- 7 (2) Transportation records concerning the following:
- 8 (A) The origin of each shipment of cervidae.
- 9 (B) Copies of registration or permits.
- 10 (C) The shipping destination.
- 11 (3) Records of cervidae mortality.
- 12 (4) Any other records required by the Indiana state board of
13 animal health.
- 14 (b) Records kept under this section must be made available to
15 the department or the Indiana state board of animal health for
16 inspection upon request.
- 17 **Sec. 13. (a) To hunt cervidae on a hunting preserve, a hunter**
18 **must purchase a hunting preserve transportation tag. There is no**
19 **limit on the number of hunting preserve transportation tags a**
20 **hunter may purchase under this section.**
- 21 (b) To purchase a hunting preserve transportation tag, a hunter
22 must pay a fee. The fee for a hunting preserve transportation tag
23 is:
- 24 (1) fifty dollars (\$50) for an Indiana resident; and
- 25 (2) one hundred dollars (\$100) for an out-of-state resident.
- 26 (c) The department shall provide hunting preserve
27 transportation tags to the owner of a hunting preserve. The owner
28 of a hunting preserve shall:
- 29 (1) collect the fees for hunting preserve transportation tags
30 under subsection (b); and
- 31 (2) remit the fees to the department monthly.
- 32 The department shall deposit the fees in the fish and wildlife fund
33 established by IC 14-22-3-2.
- 34 **Sec. 14. (a) The department shall inspect each game preserve at**
35 **least one (1) time per year.**
- 36 (b) The department and the Indiana state board of animal
37 health may inspect a game preserve and the cervidae and game
38 birds within a game preserve at any time for the following reasons:
- 39 (1) To investigate a complaint.
- 40 (2) To assure compliance with this chapter.
- 41 (3) To investigate an issue concerning animal health.
- 42 **Sec. 15. (a) Beginning July 1, 2010, the owner of a game**

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1 preserve licensed under this chapter must pay a license renewal fee
2 of two thousand dollars (\$2,000) not later than July 1 of each year.

3 (b) Fees collected under this section shall be deposited in the
4 hunter safety education fund established by IC 14-22-35-5.

5 Sec. 16. (a) Beginning July 1, 2010, as a condition of the renewal
6 of a license issued under this chapter, the owner of a game preserve
7 must provide to the department facilities adequate for the hosting
8 of an annual hunter safety class under IC 14-22-35. The owner may
9 not charge the department for the use of the facilities. The class
10 must be available to the general public.

11 (b) Instruction for the hunter safety class provided under
12 subsection (a) must be provided by the department or by an
13 association or organization designated under IC 14-22-35-1(b).

14 Sec. 17. A person shall not:

15 (1) knowingly or intentionally provide the department, the
16 commission, or the Indiana state board of animal health with
17 false information; or

18 (2) resist, impede, or hinder the department, the commission,
19 or the Indiana state board of animal health in discharging
20 duties;

21 under this chapter.

22 Sec. 18. A license issued under this chapter for the operation of
23 a game preserve:

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

25 (2) is not a property right.

26 Sec. 19. The commission may:

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

28 (2) limit, suspend, or revoke under IC 4-21.5-3-6;

29 a game preserve license issued under this chapter if the owner of
30 the game preserve does not comply with the requirements under
31 this chapter.

32 Sec. 20. If a game preserve license issued under this chapter is:

33 (1) not renewed; or

34 (2) revoked by the commission;

35 the license may not be reauctioned or reissued.

36 Sec. 21. (a) As used in this section, "director" refers to the
37 director of the Indiana office of management and budget.

38 (b) Before July 1, 2010, the director shall conduct an auction for
39 ten (10) game preserve licenses.

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

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1 (d) Before placing a bid under this section, a person must:

2 (1) register with the director; and

3 (2) provide the director with the person's name and address.

4 If two (2) or more persons will be co-owners of the game preserve
5 if their bid is the winning bid, each of the persons must provide the
6 director with the person's name and address under this subsection.

7 (e) The director may not accept a bid of less than fifty thousand
8 dollars (\$50,000) for a game preserve license. If the director does
9 not receive a bid of at least fifty thousand dollars (\$50,000) for a
10 game preserve license, the license may not be reauctoned.

11 (f) The person submitting the highest bid for a game preserve
12 license is the auction winner. An auction winner shall pay the
13 department the amount of the auction winner's bid not later than
14 sixty (60) days after the end of the auction. The amount collected
15 by the department must be deposited in the fish and wildlife fund
16 established by IC 14-22-3-2.

17 (g) If a winning bid for a game preserve license is not paid
18 within the period allowed by subsection (f), the director may
19 reaucton the game preserve license. The requirements set forth in
20 subsection (e) apply to any reaucton under this subsection.
21 However, a person who fails to pay a winning bid for a game
22 preserve license is ineligible:

23 (1) to participate in the reaucton for the game preserve
24 license under this subsection; or

25 (2) to be an owner of a game preserve under this chapter.

26 (h) The director shall forward to the department not later than
27 two (2) business days after the end of an aucton:

28 (1) the name of the winning bidder;

29 (2) the other information provided by the winning bidder
30 under subsection (d); and

31 (3) the amount of the winning bid.

32 (i) This section expires December 31, 2010.

33 SECTION 6. IC 14-22-35-5 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2009]: Sec. 5. (a) As used in this chapter, "fund" refers to the
36 hunter safety education fund established by subsection (b).

37 (b) The hunter safety education fund is established to:

38 (1) provide instruction in hunter safety, principles of
39 conservation, and sportsmanship; and

40 (2) administer this chapter.

41 The department shall administer the fund.

42 (c) The fund consists of the following:

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- 1 **(1) Deposits made under IC 14-22-20.7-15.**
- 2 **(2) Appropriations.**
- 3 **(3) Grants and gifts.**
- 4 **(d) The expenses of administering the fund shall be paid from**
- 5 **money in the fund.**
- 6 **(e) The treasurer of state shall invest the money in the fund that**
- 7 **is not currently needed to meet the obligations of the fund in the**
- 8 **same manner as other public funds may be invested. The treasurer**
- 9 **of state shall deposit in the fund the interest that accrues from the**
- 10 **investment of the fund.**
- 11 **(f) Money in the fund at the end of a state fiscal year does not**
- 12 **revert to the state general fund.**

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