

# HOUSE BILL No. 1154

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Game preserves. Provides for the licensing and operation of game preserves in which privately owned cervidae and game birds may be hunted. Provides for the maximum sale of 10 licenses to operate game preserves. Requires game preserve owners: (1) to pay a yearly license renewal fee; and (2) to provide annually a free program at the game preserve's facilities that promotes hunter safety or develops new hunters who are either less than 18 years of age or disabled. 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. Requires game preserve license fees to be deposited into a hunter safety education fund. Establishes the hunter safety education fund.

**Effective:** July 1, 2014.

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## Friend, Ubelhor, Wolkins, Messmer

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January 13, 2014, read first time and referred to Committee on Natural Resources.

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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.

# HOUSE BILL No. 1154



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

*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" **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 14-8-2-107, AS AMENDED BY P.L.133-2012,
- 9 SECTION 164, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following
- 11 meaning:
- 12 (1) For purposes of IC 14-9-5, the meaning set forth in
- 13 IC 14-9-5-1.
- 14 (2) For purposes of IC 14-9-8-21, the meaning set forth in
- 15 IC 14-9-8-21.
- 16 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in



- 1 IC 14-9-8-21.5.  
 2 (4) For purposes of IC 14-9-9, the meaning set forth in  
 3 IC 14-9-9-3.  
 4 (5) For purposes of IC 14-12-1, the meaning set forth in  
 5 IC 14-12-1-1.  
 6 (6) For purposes of IC 14-12-2, the meaning set forth in  
 7 IC 14-12-2-2.  
 8 (7) For purposes of IC 14-12-3, the meaning set forth in  
 9 IC 14-12-3-2.  
 10 (8) For purposes of IC 14-13-1, the meaning set forth in  
 11 IC 14-13-1-2.  
 12 (9) For purposes of IC 14-13-2, the meaning set forth in  
 13 IC 14-13-2-3.  
 14 (10) For purposes of IC 14-16-1, the meaning set forth in  
 15 IC 14-16-1-30.  
 16 (11) For purposes of IC 14-19-8, the meaning set forth in  
 17 IC 14-19-8-1.  
 18 (12) For purposes of IC 14-20-11, the meaning set forth in  
 19 IC 14-20-11-2.  
 20 (13) For purposes of IC 14-22-3, the meaning set forth in  
 21 IC 14-22-3-1.  
 22 (14) For purposes of IC 14-22-4, the meaning set forth in  
 23 IC 14-22-4-1.  
 24 (15) For purposes of IC 14-22-5, the meaning set forth in  
 25 IC 14-22-5-1.  
 26 (16) For purposes of IC 14-22-8, the meaning set forth in  
 27 IC 14-22-8-1.  
 28 (17) For purposes of IC 14-22-34, the meaning set forth in  
 29 IC 14-22-34-2.  
 30 **(18) For purposes of IC 14-22-35, the meaning set forth in**  
 31 **IC 14-22-35-5.**  
 32 ~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in  
 33 IC 14-23-3-1.  
 34 ~~(19)~~ **(20)** For purposes of IC 14-24-4.5, the meaning set forth in  
 35 IC 14-24-4.5-2(5).  
 36 ~~(20)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in  
 37 IC 14-25-2-4.  
 38 ~~(21)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in  
 39 IC 14-25-10-1.  
 40 ~~(22)~~ **(23)** For purposes of IC 14-25.5, the meaning set forth in  
 41 IC 14-25.5-1-3.  
 42 ~~(23)~~ **(24)** For purposes of IC 14-28-5, the meaning set forth in



- 1 IC 14-28-5-2.  
 2 ~~(24)~~ **(25)** For purposes of IC 14-31-2, the meaning set forth in  
 3 IC 14-31-2-5.  
 4 ~~(25)~~ **(26)** For purposes of IC 14-25-12, the meaning set forth in  
 5 IC 14-25-12-1.  
 6 ~~(26)~~ **(27)** For purposes of IC 14-32-8, the meaning set forth in  
 7 IC 14-32-8-1.  
 8 ~~(27)~~ **(28)** For purposes of IC 14-33-14, the meaning set forth in  
 9 IC 14-33-14-3.  
 10 ~~(28)~~ **(29)** For purposes of IC 14-33-21, the meaning set forth in  
 11 IC 14-33-21-1.  
 12 ~~(29)~~ **(30)** For purposes of IC 14-34-6-15, the meaning set forth in  
 13 IC 14-34-6-15.  
 14 ~~(30)~~ **(31)** For purposes of IC 14-34-14, the meaning set forth in  
 15 IC 14-34-14-1.  
 16 ~~(31)~~ **(32)** For purposes of IC 14-34-19-1.3, the meaning set forth  
 17 in IC 14-34-19-1.3(a).  
 18 ~~(32)~~ **(33)** For purposes of IC 14-34-19-1.5, the meaning set forth  
 19 in IC 14-34-19-1.5(a).  
 20 ~~(33)~~ **(34)** For purposes of IC 14-37-10, the meaning set forth in  
 21 IC 14-37-10-1.

22 SECTION 3. IC 14-8-2-111.5 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2014]: **Sec. 111.5. "Game preserve", for**  
 25 **purposes of IC 14-22-20.7, has the meaning set forth in**  
 26 **IC 14-22-20.7-2.**

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

30 **Chapter 20.7. Cervidae Game Preserves**

31 **Sec. 1. As used in this chapter, "cervidae" means animals that:**

- 32 **(1) are privately owned; and**  
 33 **(2) belong to the family cervidae, including deer, elk, moose,**  
 34 **reindeer, and caribou.**

35 **Sec. 2. As used in this chapter, "game preserve" means an**  
 36 **enclosed facility located in Indiana where cervidae are hunted.**

37 **Sec. 3. (a) The department shall do the following:**

- 38 **(1) Issue an initial game preserve license to a person who**  
 39 **meets the requirements set forth in this chapter.**  
 40 **(2) Subject to sections 15 through 19 of this chapter, renew a**  
 41 **game preserve license issued under this chapter.**  
 42 **(b) Not more than ten (10) active game preserve licenses may be**



1 issued by the department at the same time.

2 **Sec. 4. (a)** A person who holds a valid license issued under this  
3 chapter may operate a game preserve.

4 **(b)** If a person's game preserve license is revoked under this  
5 chapter:

6 **(1)** the person may not operate a game preserve under this  
7 chapter; and

8 **(2)** a game preserve may no longer be operated on real  
9 property owned by the person.

10 **Sec. 5.** Each game preserve must be operated under a separate  
11 license issued under this chapter.

12 **Sec. 6.** The owner of a game preserve licensed under this  
13 chapter is not required to possess the following:

14 **(1)** A game breeder's license (IC 14-22-20).

15 **(2)** A shooting preserve license (IC 14-22-31).

16 **Sec. 7. (a)** Animals other than:

17 **(1)** cervidae; and

18 **(2)** privately owned game birds;

19 may not be hunted on a game preserve licensed under this chapter.

20 **(b)** If game birds are hunted on a game preserve licensed under  
21 this chapter, each type of game bird may be hunted only:

22 **(1)** during the statewide hunting season for that type of game  
23 bird; and

24 **(2)** with weapons and ammunition that are allowed to be used  
25 to hunt that type of game bird during the statewide hunting  
26 season for that type of game bird.

27 **(c)** If game birds are hunted on a game preserve licensed under  
28 this chapter, the game preserve must comply with the  
29 requirements under IC 14-22-31, including any rules adopted  
30 under that chapter, concerning the following:

31 **(1)** The distance that the game preserve must be from a state  
32 owned game refuge or state public hunting ground.

33 **(2)** Requiring game bird hunters to obtain a special license  
34 issued by the department.

35 **(3)** Requiring the game preserve to issue a bill of sale to  
36 persons removing game birds from the game preserve.

37 **(4)** Records concerning the number and species of game birds  
38 released and taken.

39 **Sec. 8. (a)** Except as provided in subsections (b) and (c), a game  
40 preserve for which a license has been issued under this chapter  
41 may not be sold or transferred to another person.

42 **(b)** A game preserve owner that:



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

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

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

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

17           (1) Pay the fee as required under section 22 or 23 of this  
 18 chapter.

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

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

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

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

26                   (ii) each person who would be an operator of the game  
 27 preserve.

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

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

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

33          **Sec. 10. The location of a game preserve licensed under this**  
 34 **chapter may not be changed unless the director grants permission**  
 35 **for the change in location.**

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

38           (1) The game preserve must contain at least two hundred  
 39 (200) contiguous acres.

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

42           (3) The game preserve must be enclosed by a secure fence that



- 1 is at least ten (10) feet in height.  
2 (4) The owner or operator of a game preserve shall  
3 immediately:  
4 (A) report to the department; and  
5 (B) repair;  
6 any damage to the fence enclosing the game preserve that  
7 could allow any cervidae to escape from the game preserve.  
8 (5) An animal belonging to the family cervidae may not be  
9 hunted in the game preserve until at least ten (10) days after  
10 the animal is released in the game preserve. The hunting of  
11 other animals belonging to the family cervidae may not be  
12 allowed on the game preserve during the ten (10) day period  
13 referred to in this subdivision.  
14 (6) The number of hunters on the game preserve at any time  
15 may not exceed one (1) per twenty (20) acres.  
16 (7) An animal belonging to the family cervidae that has been  
17 taken on the game preserve must be tagged before it is  
18 removed from the game preserve.  
19 (8) The game preserve shall be operated in compliance with  
20 all rules of the Indiana state board of animal health  
21 concerning cervidae, including rules concerning chronic  
22 wasting disease (CWD).  
23 (9) The game preserve may not sell a specific cervidae to a  
24 hunter. However, the game preserve may charge a hunter  
25 either:  
26 (A) a basic hunting fee; or  
27 (B) a fee based upon the antler size of a deer or elk taken  
28 by the hunter in the game preserve.  
29 (10) Hunting on the game preserve must be prohibited within  
30 one hundred fifty (150) yards of an artificial feeding site.  
31 (11) Any hunting stand in the game preserve must be located  
32 at least seventy-five (75) yards from the boundary fence of the  
33 game preserve.  
34 (12) Any incident in which:  
35 (A) a cervidae escapes from the game preserve; or  
36 (B) a wild deer enters the game preserve;  
37 shall be reported immediately to the department by the owner  
38 or operator of the game preserve.  
39 (13) Cervidae may be hunted in the game preserve only:  
40 (A) during the statewide deer hunting season; and  
41 (B) with weapons and ammunition that are allowed to be  
42 used to hunt deer during the statewide deer hunting



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





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

4 **Sec. 15. Beginning July 1, 2016, the owner of a game preserve**  
 5 **licensed under this chapter must pay a license renewal fee of one**  
 6 **thousand dollars (\$1,000) not later than June 30 of each year.**

7 **Sec. 16. (a) Beginning July 1, 2016, as a condition of the renewal**  
 8 **of a license issued under this chapter, the owner of a game preserve**  
 9 **must provide annually a free program at the game preserve's**  
 10 **facilities that:**

- 11 (1) promotes hunter safety; or
- 12 (2) develops new hunters who are either less than eighteen
- 13 (18) years of age or disabled.

14 **(b) The following programs meet the requirements in subsection**  
 15 **(a):**

16 (1) Instruction for the hunter safety class under IC 14-22-35  
 17 that is available to the public and that is provided by the  
 18 department or by an association or organization designated  
 19 under IC 14-22-35-1(b).

20 (2) A free hunting day for disabled veterans, if the facility has  
 21 installed improvements that are necessary to accommodate  
 22 the veterans' physical disabilities. A person who is eligible for  
 23 a disabled Hoosier veteran license plate under IC 9-18-18-1 is  
 24 considered a disabled veteran for purposes of this subdivision.

25 (3) Any other program approved by the department.

26 **(c) Beginning July 1, 2016, the owner of a game preserve must**  
 27 **supply documentation that the game preserve has complied with**  
 28 **the requirement under this section. The documentation must**  
 29 **accompany the game preserve owner's annual application for**  
 30 **license renewal.**

31 **Sec. 17. A person shall not:**

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

38 **under this chapter.**

39 **Sec. 18. (a) A license issued under this chapter for the operation**  
 40 **of a game preserve:**

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



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

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

7 Sec. 19. The commission may:

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

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

10 a game preserve license issued under this chapter if the owner of  
11 the game preserve does not comply with the requirements under  
12 this chapter.

13 Sec. 20. Except as provided in section 22 of this chapter, if a  
14 game preserve license issued under this chapter is:

15 (1) not renewed; or

16 (2) revoked by the commission;

17 the license may not be reissued.

18 Sec. 21. Any fees for a game preserve license collected under this  
19 chapter shall be deposited by the department in the hunter safety  
20 education fund established by IC 14-22-35-5.

21 Sec. 22. (a) This section applies to game preserve licenses that  
22 are issued after June 30, 2016.

23 (b) If one (1) or more game preserve licenses are available on  
24 July 1 of a year, the director shall accept applications for the  
25 available game preserve licenses beginning July 1 and ending July  
26 30 of that year.

27 (c) If more applications are received under subsection (b) than  
28 there are game preserve licenses available, the director shall  
29 conduct a random drawing before August 8 of that year to  
30 determine which applicants are eligible to be issued the available  
31 game preserve licenses.

32 (d) Each person who has been selected to receive an available  
33 game preserve license must submit to the department not later  
34 than thirty (30) days after being informed by the department that  
35 the person has been selected a fee of ten thousand dollars (\$10,000)  
36 for the game preserve license.

37 (e) If a person who has been selected to receive an initial game  
38 preserve license does not submit the license fee within the required  
39 thirty (30) day period, the license must be offered to the next  
40 applicant who was randomly selected.

41 Sec. 23. (a) Beginning June 1, 2015, and ending June 30, 2015,  
42 the director shall accept applications for ten (10) game preserve



- 1 licenses.
- 2 (b) If more than ten (10) applications are received under  
3 subsection (a), the director shall conduct a random drawing before  
4 July 8, 2015, to determine which applicants are eligible to be issued  
5 the initial game preserve licenses.
- 6 (c) Each person who has been selected to receive an initial game  
7 preserve license must submit to the department not later than  
8 thirty (30) days after being informed by the department that the  
9 person has been selected a fee of ten thousand dollars (\$10,000) for  
10 the game preserve license.
- 11 (d) If a person who has been selected to receive an initial game  
12 preserve license does not submit the license fee within the required  
13 thirty (30) day period, the license must be offered to the next  
14 applicant who was randomly selected.
- 15 (e) This section expires December 31, 2015.
- 16 SECTION 5. IC 14-22-35-5 IS ADDED TO THE INDIANA CODE  
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18 1, 2014]: Sec. 5. (a) As used in this chapter, "fund" refers to the  
19 hunter safety education fund established by subsection (b).
- 20 (b) The hunter safety education fund is established to:
- 21 (1) provide instruction in hunter safety, principles of  
22 conservation, and sportsmanship; and  
23 (2) administer this chapter.
- 24 The department shall administer the fund.
- 25 (c) The fund consists of the following:
- 26 (1) Deposits made under IC 14-22-20.7-21.  
27 (2) Appropriations.  
28 (3) Grants and gifts.
- 29 (d) The expenses of administering the fund shall be paid from  
30 money in the fund.
- 31 (e) The treasurer of state shall invest the money in the fund that  
32 is not currently needed to meet the obligations of the fund in the  
33 same manner as other public funds may be invested. The treasurer  
34 of state shall deposit in the fund any interest that accrues from the  
35 investment of the fund.
- 36 (f) Money in the fund at the end of a state fiscal year does not  
37 revert to the state general fund.
- 38 (g) Money in the fund is continuously appropriated to carry out  
39 the purposes specified in subsection (b).

