



February 23, 2016

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## ENGROSSED SENATE BILL No. 109

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DIGEST OF SB 109 (Updated February 22, 2016 11:25 am - DI 109)

**Citations Affected:** IC 14-8; IC 14-11; IC 14-22; IC 15-17; IC 35-52; noncode.

**Synopsis:** Regulation of wild animals and hunting preserves. Excludes the wild animal permit from the law requiring notice and hearing on an application for certain permits. Provides that certain fish and wildlife laws do not apply to certain legally owned captive bred cervidae and members of the bovidae family that may be hunted as permitted animals on hunting preserves. Provides for the initial licensing by the state board of animal health of hunting preserves on which permitted animals are hunted. Establishes licensing requirements, inspection requirements, and fees. Exempts licensed hunting preserves and cervidae livestock operations from the licensing requirements for game breeders. Exempts licensed hunting preserves from the licensing requirements for shooting preserves. Provides that hunters on hunting preserves are required to have a special hunting permit. Specifies the fees for special hunting permits. Provides that hunters on hunting preserves are not subject to bag limits. Requires that a transportation or cull tag be affixed to each animal taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves. Establishes penalties for certain violations. Establishes the captive cervidae programs fund.

**Effective:** Upon passage; April 1, 2016.

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### Messmer, Steele, Tomes, Arnold J

(HOUSE SPONSORS — EBERHART, LEHE, GOODIN, NIEZGODSKI)

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January 5, 2016, read first time and referred to Committee on Natural Resources.

January 12, 2016, amended, reported favorably — Do Pass.

January 19, 2016, read second time, amended, ordered engrossed.

January 20, 2016, engrossed.

January 21, 2016, read third time, passed. Yeas 29, nays 19.

#### HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Natural Resources.

February 22, 2016, reported — Do Pass.

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ES 109—LS 6493/DI 109





February 23, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 109

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-8-2-37.6 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. Sec. 37.6: "~~Cervidae~~", for purposes of IC 14-22-20.5; has  
3 the meaning set forth in IC 14-22-20.5-1.
- 4 SECTION 2. IC 14-8-2-37.7 IS REPEALED [EFFECTIVE UPON  
5 PASSAGE]. Sec. 37.7: "~~Cervidae livestock operation~~", for purposes of  
6 IC 14-22-20.5; has the meaning set forth in IC 14-22-20.5-2.
- 7 SECTION 3. IC 14-8-2-37.8 IS REPEALED [EFFECTIVE UPON  
8 PASSAGE]. Sec. 37.8: "~~Cervidae products~~", for purposes of  
9 IC 14-22-20.5; has the meaning set forth in IC 14-22-20.5-3.
- 10 SECTION 4. IC 14-11-4-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE APRIL 1, 2016]: Sec. 1. This chapter applies  
12 to applications for licenses under the following:
- 13 (†) ~~IC 14-22-26-3(2)~~ (wild animals).  
14 (‡) (1) IC 14-26-2 (lake preservation).  
15 (‡) (2) IC 14-26-5 (dams).  
16 (‡) (3) IC 14-28-1 (flood control).  
17 (‡) (4) IC 14-29-3 (removal of substances from streams).

ES 109—LS 6493/DI 109



- 1           ~~(6)~~ **(5)** IC 14-29-4 (construction of channels).
- 2           SECTION 5. IC 14-22-1-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild
- 4 animals, except those that are:
- 5           (1) legally owned ~~or being held in captivity~~ under a license or
- 6           permit as required by this article; or
- 7           (2) otherwise excepted in this article;
- 8 are the property of the people of Indiana.
- 9           (b) The department shall ~~protect~~ **provide for the protection** and
- 10 **properly manage the fish and wildlife resources of proper**
- 11 **management of all legally or publicly owned wild animals in**
- 12 **Indiana.**
- 13           SECTION 6. IC 14-22-1-1.5 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 15 UPON PASSAGE]: **Sec. 1.5. This article does not apply to legally**
- 16 **owned captive bred cervidae.**
- 17           SECTION 7. IC 14-22-1-1.7 IS ADDED TO THE INDIANA CODE
- 18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 19 UPON PASSAGE]: **Sec. 1.7. This article does not apply to legally**
- 20 **owned captive bred members of the bovidae family described in**
- 21 **IC 15-17-14.7-3.**
- 22           SECTION 8. IC 14-22-20-1 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) The owner**
- 24 **of a hunting preserve licensed under IC 15-17-14.7 is not required**
- 25 **to obtain a game breeder's license under this section.**
- 26           **(b) The owner of a cervidae livestock operation under**
- 27 **IC 15-17-14.5 is not required to obtain a game breeder's license**
- 28 **under this section.**
- 29           **(c) The department may, under rules adopted under IC 4-22-2, issue**
- 30 **to a resident of Indiana, upon the payment of a fee of fifteen dollars**
- 31 **(\$15), a license to:**
- 32           (1) propagate in captivity; and
- 33           (2) possess, buy, or sell for this purpose only;
- 34 game birds, game mammals, or furbearing mammals protected by
- 35 Indiana law.
- 36           SECTION 9. IC 14-22-20.5 IS REPEALED [EFFECTIVE UPON
- 37 PASSAGE]. (Cervidae and Cervidae Products).
- 38           SECTION 10. IC 14-22-31-0.5 IS ADDED TO THE INDIANA
- 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 40 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not**
- 41 **apply to a hunting preserve licensed under IC 15-17-14.7.**
- 42           SECTION 11. IC 14-22-38-4, AS AMENDED BY P.L.195-2014,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that  
3 involves:

- 4 (1) unlawfully taking or possessing a deer or wild turkey;  
5 (2) taking or possessing a deer or wild turkey by illegal methods  
6 or with illegal devices; or  
7 (3) except as provided in subsections (c) and (d), selling, offering  
8 to sell, purchasing, or offering to purchase a deer or wild turkey  
9 or a part of a deer or wild turkey;

10 the court may order the person to reimburse the state five hundred  
11 dollars (\$500) for the first violation and one thousand dollars (\$1,000)  
12 for each subsequent violation.

13 (b) The money shall be deposited in the conservation officers fish  
14 and wildlife fund. This penalty is in addition to any other penalty under  
15 the law.

16 (c) Notwithstanding section 6 of this chapter, if a properly tagged  
17 deer is brought to a meat processing facility and the owner of the deer:

- 18 (1) fails to pick up the processed deer within a reasonable time;  
19 or  
20 (2) notifies the meat processing facility that the owner does not  
21 want the processed deer;

22 the deer meat may be given away by the meat processing facility to  
23 another person. The meat processing facility may charge the person  
24 receiving the deer meat a reasonable and customary processing fee.

25 ~~(d) Notwithstanding section 6 of this chapter, deer meat and~~  
26 ~~products from farm raised deer that meet the requirements under~~  
27 ~~IC 15-17 may be sold to the public.~~

28 ~~(e)~~ (d) In addition to being liable for the reimbursement required  
29 under subsection (a), a person who recklessly, knowingly, or  
30 intentionally violates subsection (a)(1) or (a)(2) while using or  
31 possessing:

- 32 (1) a sound suppressor designed for use with or on a firearm,  
33 commonly called a silencer; or  
34 (2) a device used as a silencer;

35 commits unlawful hunting while using or possessing a silencer, a Class  
36 C misdemeanor.

37 SECTION 12. IC 15-17-2-17.5 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Cervidae", for**  
40 **purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately**  
41 **owned members of the cervidae family, including deer, elk, moose,**  
42 **reindeer, and caribou.**



1 SECTION 13. IC 15-17-2-38.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. "Hunting preserve", for**  
 4 **purposes of IC 15-17-14.7, has the meaning set forth in**  
 5 **IC 15-17-14.7-1.**

6 SECTION 14. IC 15-17-2-82.5 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 82.5. "Permitted animal", for**  
 9 **purposes of IC 15-17-14.7, has the meaning set forth in**  
 10 **IC 15-17-14.7-3.**

11 SECTION 15. IC 15-17-7-7, AS ADDED BY P.L.2-2008,  
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 UPON PASSAGE]: Sec. 7. **(a) This section does not apply to**  
 14 **cervidae on a cervidae hunting preserve licensed under**  
 15 **IC 15-17-14.7.**

16 ~~(a)~~ **(b)** Owners of cattle, goats, or cervids that are destroyed because  
 17 they have:

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

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

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

21 or

22 (2) been exposed to tubercular animals;

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

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

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

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

32 SECTION 16. IC 15-17-10-7, AS ADDED BY P.L.2-2008,  
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), an  
 35 indemnity payment may not be made for the following:

36 (1) Animals or objects belonging to the United States.

37 (2) Animals or objects belonging to the state.

38 (3) Animals or objects brought into the state or moved in violation  
 39 of this article, the rules of the board, or an agreement for the  
 40 control of diseases or pests.

41 (4) Animals that were previously affected by any other disease or  
 42 pest, which, from its nature and development, caused an incurable



1 condition and was necessarily fatal.

2 (5) Animals or objects affected with disease or pest of animals  
3 that the owner purchased, knowing that the animals or objects  
4 were infected with or exposed to a disease or pest of animals,  
5 including animals or objects purchased from a place where a  
6 contagious disease or pest of animals was known to exist.

7 (6) Any animal or object that the owner or the owner's agent  
8 intentionally infects with or exposes to a disease or pest of  
9 animals.

10 (7) Any animal or object for which the owner received indemnity  
11 or reimbursement from any other source.

12 **(8) Any cervidae or objects on a hunting preserve licensed**  
13 **under IC 15-17-14.7.**

14 (b) The board may pay indemnity for animals or objects described  
15 in subsection (a)(3) through (a)(5) if the board finds that payment of  
16 indemnity is necessary to accomplish the purposes of this article.

17 SECTION 17. IC 15-17-14.5 IS ADDED TO THE INDIANA  
18 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
19 [EFFECTIVE UPON PASSAGE]:

20 **Chapter 14.5. Cervidae and Cervidae Products**

21 **Sec. 1. As used in this chapter, "cervidae livestock operation"**  
22 **means an operation that:**

23 **(1) contains privately owned cervidae; and**

24 **(2) involves the breeding, propagating, purchasing, selling,**  
25 **and marketing of cervidae or cervidae products;**

26 **but does not involve the hunting of privately owned cervidae.**

27 **Sec. 2. As used in this chapter, "cervidae products" means**  
28 **products, coproducts, or byproducts of cervidae.**

29 **Sec. 3. Cervidae and cervidae products legally produced,**  
30 **purchased, possessed, or acquired within Indiana or imported into**  
31 **Indiana are the exclusive property of the owner.**

32 **Sec. 4. Meat and products derived from privately owned**  
33 **cervidae that are from a cervidae livestock operation may be sold**  
34 **to the general public, subject to IC 15-17-5.**

35 **Sec. 5. The board may establish under IC 15-17-3-23 standards**  
36 **of care for animals on cervidae livestock operations.**

37 SECTION 18. IC 15-17-14.7 IS ADDED TO THE INDIANA  
38 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
39 [EFFECTIVE UPON PASSAGE]:

40 **Chapter 14.7. Hunting Preserves**

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



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

4           **Sec. 3.** As used in this chapter, "permitted animal" means a  
 5 legally owned captive bred wild animal classified as follows:

- 6           (1) A member of the cervidae family.
- 7           (2) A member of the bovidae family genus ovis.
- 8           (3) A member of the bovidae family genus capra.

9           **Sec. 4. (a)** The board shall issue an initial hunting preserve  
 10 license to a person who:

- 11           (1) meets all other requirements of this chapter; and
- 12           (2) pays a fee of three hundred dollars (\$300).

13           **(b)** A hunting preserve license issued under this section may be  
 14 transferred or assigned. If a person acquires a hunting preserve  
 15 through a sale, a lease, or a change in ownership of the hunting  
 16 preserve, the person must:

- 17           (1) obtain a hunting preserve license from the board; and
- 18           (2) meet the requirements set forth in this chapter;

19 before allowing hunting on the hunting preserve.

20           **(c)** A hunting preserve must pass an annual inspection by the  
 21 board.

22           **(d)** A person who:

- 23           (1) meets the requirements set forth in this chapter; and
- 24           (2) pays an annual fee of three hundred dollars (\$300);

25 is entitled to renew a license.

26           **(e)** The board shall deposit all fees collected under this section  
 27 in the captive cervidae programs fund established by section 16 of  
 28 this chapter.

29           **Sec. 5.** Permitted animals, including their products, are the  
 30 property of the licensed owner of the hunting preserve containing  
 31 the permitted animals.

32           **Sec. 6. (a)** A hunting preserve must:

- 33           (1) provide sufficient space and cover to allow permitted  
 34 animals the opportunity to evade hunters; and
- 35           (2) meet the following requirements:

36           **(A)** The hunting preserve must meet the applicable  
 37 minimum size requirement of subsection (b).

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

41           **(C)** Reasonable efforts must be made to clear the hunting  
 42 preserve of wild deer.





- 1           **(D) The hunting preserve may not be bisected by a public**  
 2           **road, fencing, or any other barrier.**  
 3           **(E) The fence enclosing the hunting preserve must be**  
 4           **marked with signs that meet the specifications of the**  
 5           **board.**
- 6           **(b) A hunting preserve must contain:**  
 7           **(1) an aggregate total of at least eighty (80) acres in the areas**  
 8           **where permitted animals are hunted if the hunting preserve**  
 9           **was in operation during the 2015 calendar year; or**  
 10           **(2) at least one hundred (100) contiguous acres in the area**  
 11           **where permitted animals are hunted if the hunting preserve**  
 12           **was not in operation during the 2015 calendar year.**
- 13           **Sec. 7. If a permitted animal escapes from a hunting preserve,**  
 14           **the owner shall report the escape to the board within twenty-four**  
 15           **(24) hours after the escape is discovered.**
- 16           **Sec. 8. A licensed owner may not do the following:**  
 17           **(1) Release a permitted animal into the wild.**  
 18           **(2) Release any cervid other than a permitted animal on the**  
 19           **hunting preserve.**
- 20           **Sec. 9. (a) Hunting on a hunting preserve is not regulated by the**  
 21           **department of natural resources. A person who takes or hunts a**  
 22           **permitted animal on a hunting preserve is not required to hold a**  
 23           **license under IC 14-22.**
- 24           **(b) A person who takes or hunts a permitted animal on a**  
 25           **hunting preserve is required to have a special hunting permit**  
 26           **issued by the board.**
- 27           **(c) The board:**  
 28           **(1) shall issue a special hunting permit that is required under**  
 29           **subsection (b); and**  
 30           **(2) may appoint owners or managers of a hunting preserve as**  
 31           **agents to sell the special hunting permit.**
- 32           **(d) A special hunting permit expires on March 2 immediately**  
 33           **following the date the license is effective.**
- 34           **(e) The fee for a special hunting permit issued under this section**  
 35           **to take a buck is equal to the fee set by the natural resources**  
 36           **commission under IC 14-22-12-1(a)(15) per animal.**
- 37           **(f) The fee for a special hunting permit issued under this section**  
 38           **to take a doe, a sheep, or a goat is equal to the fee set by the natural**  
 39           **resources commission under IC 14-22-12-1(a)(6) per animal.**
- 40           **(g) The board shall deposit all fees collected under this section**  
 41           **in the captive cervidae programs fund established by section 16 of**  
 42           **this chapter.**



1           (b) The name, mailing address, electronic mail address, and  
2 telephone number of an individual issued a special hunting permit  
3 under this section is confidential for purposes of IC 5-14-3-4.

4           Sec. 10. (a) The board shall provide a licensed owner with a  
5 transportation tag or a cull tag to be affixed as follows to every  
6 permitted animal taken on the licensed owner's hunting preserve:

7               (1) The licensed owner shall cause a transportation tag to be  
8 affixed to each permitted animal taken by a hunter on the  
9 hunting preserve.

10              (2) The licensed owner shall cause a cull tag to be affixed to  
11 each animal culled by the licensed owner.

12           (b) A hunter may not transport or possess a permitted animal  
13 taken on a hunting preserve unless a transportation tag is affixed  
14 to the permitted animal. A transportation tag affixed to a  
15 permitted animal taken by a hunter on a hunting preserve is  
16 considered to be the bill of sale for the sale of the permitted animal  
17 by the licensed owner to the hunter.

18           (c) A licensed owner may not transport a permitted animal  
19 culled from the hunting preserve by the licensed owner unless a  
20 cull tag is affixed to the permitted animal. A culled permitted  
21 animal may be transported from the hunting preserve to be  
22 processed for the personal consumption of the licensed owner or to  
23 be donated to charity. The board may not charge a licensed owner  
24 for a cull tag provided under this section.

25           Sec. 11. (a) A licensed owner shall keep records that accurately  
26 represent the following:

27               (1) The permitted animals entering and leaving the hunting  
28 preserve.

29               (2) The individuals who use the hunting preserve.

30               (3) Information that documents compliance with this chapter  
31 as determined by rules adopted by the board.

32           (b) The records under subsection (a) must be maintained for a  
33 period determined by the board and must be open for inspection by  
34 employees of the board during regular business hours.

35           Sec. 12. (a) Permitted animals may be hunted on a hunting  
36 preserve licensed under this chapter from September 1 through  
37 March 1 between one-half (1/2) hour before sunrise and one-half  
38 (1/2) hour after sunset.

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

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



1           **Sec. 13. (a) Only weapons that may be used legally in hunting on**  
 2 **other property in Indiana may be used in hunting on a hunting**  
 3 **preserve.**

4           **(b) A hunting preserve may not allow computer assisted remote**  
 5 **hunting.**

6           **(c) If a permitted animal has been sedated, the hunting preserve**  
 7 **may not allow the permitted animal to be hunted within**  
 8 **twenty-four (24) hours of sedation. In addition, the board may**  
 9 **adopt rules governing the use of a permitted animal for food after**  
 10 **the permitted animal has been sedated or treated with medication.**

11           **(d) Hunting on a hunting preserve is prohibited within one**  
 12 **hundred fifty (150) yards of an artificial feeding site.**

13           **Sec. 14. (a) The board may establish under IC 15-17-3-23**  
 14 **standards of care for permitted animals on hunting preserves**  
 15 **licensed under this chapter.**

16           **(b) The board may not adopt rules that have the effect of**  
 17 **prohibiting or unreasonably restricting the operation of a hunting**  
 18 **preserve. However, the board's ability to regulate animal diseases**  
 19 **and food safety is not restricted by this subsection.**

20           **(c) The board may inspect a hunting preserve to investigate a**  
 21 **complaint at any reasonable time.**

22           **(d) The board may inspect a hunting preserve to investigate an**  
 23 **issue concerning animal health at any reasonable time.**

24           **Sec. 15. (a) Except as provided in subsection (b), a person who**  
 25 **violates this chapter is subject to the penalties set forth in**  
 26 **IC 15-17-18-12.**

27           **(b) A person who knowingly or intentionally violates section 7,**  
 28 **8, 13(b), or 13(c) of this chapter commits a Level 6 felony.**

29           **Sec. 16. (a) The captive cervidae programs fund is established.**  
 30 **The board may use money in the fund to pay the expenses of:**

- 31           **(1) administering IC 15-17-14.5 and this chapter; and**  
 32           **(2) implementing programs to control diseases in cervidae**  
 33 **authorized under this article.**

34           **(b) The fund shall be administered by the board.**

35           **(c) The fund consists of all fees collected under this chapter.**

36           **(d) The expenses of administering the fund shall be paid from**  
 37 **money in the fund.**

38           **(e) The treasurer of state shall invest the money in the fund not**  
 39 **currently needed to meet the obligations of the fund in the same**  
 40 **manner as other public money may be invested. Interest that**  
 41 **accrues from these investments shall be deposited in the fund.**

42           **(f) Money in the fund at the end of a state fiscal year does not**



1       **revert to the state general fund.**  
2       SECTION 19. IC 35-52-15-15.5 IS ADDED TO THE INDIANA  
3       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4       [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. IC 15-17-14.7-15 defines**  
5       **crimes concerning a hunting preserve.**  
6       SECTION 20. [EFFECTIVE APRIL 1, 2016] (a) **IC 14-11-4-1, as**  
7       **amended by this act, applies to applications for licenses filed after**  
8       **March 31, 2016.**  
9       **(b) This SECTION expires January 1, 2017.**  
10       SECTION 21. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 1. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals, except those that are:

- (1) legally owned ~~or being held in captivity~~ under a license or permit as required by this article; ~~or~~
- (2) otherwise excepted in this article;
- (3) legally owned captive bred cervidae; or**
- (4) legally owned captive bred members of the bovidae family described in IC 15-17-14.7-3;**

are the property of the people of Indiana.

(b) **Except as provided in subsection (d)**, the department shall protect and properly manage the fish and wildlife resources of **provide for the protection and proper management of all legally or publicly owned wild animals in** Indiana.

(c) **Except as provided in subsection (d)**, the department may regulate legally owned wild animals.

(d) **The department may not regulate wild animals described in subsection (a)(3) and (a)(4).**"

Page 2, delete lines 1 through 7.

Page 5, delete lines 32 through 36, begin a new paragraph and insert:

**"Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:**

- (1) A member of the cervidae family.**
- (2) A member of the bovidae family genus ovis.**
- (3) A member of the bovidae family genus capra."**

Page 6, delete lines 12 through 14, begin a new paragraph and insert:

**"(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."**

Page 6, line 16, after "owner" insert **"of the hunting preserve"**.

Page 6, line 17, after "6." insert **"(a)"**.

Page 6, delete lines 21 through 23, begin a new line double block



indented and insert:

**"(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b)."**

Page 6, between lines 33 and 34, begin a new paragraph and insert:

**"(b) A hunting preserve must contain:**

**(1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or**

**(2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve was not in operation during the 2015 calendar year."**

Page 6, line 34, delete "cervidae" and insert "**permitted animal**".

Page 6, delete lines 37 through 40, begin a new paragraph and insert:

**"Sec. 8. A licensed owner may not do the following:**

**(1) Release a permitted animal into the wild.**

**(2) Release any cervid other than a permitted animal on the hunting preserve."**

Page 6, line 41, after "(a)" insert "**Hunting on a hunting preserve is not regulated by the department of natural resources.**".

Page 7, line 12, after "set" insert "**by the natural resources commission**".

Page 7, line 15, after "set" insert "**by the natural resources commission**".

Page 7, between lines 16 and 17, begin a new paragraph and insert:

**"(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."**

Page 7, line 18, after "every" insert "**permitted**".

Page 7, line 22, after "each" insert "**permitted**".

Page 7, line 23, delete "an animal" and insert "**a permitted animal**".

Page 7, line 25, delete "an animal" and insert "**a permitted animal**".

Page 7, line 27, after "sale of the" insert "**permitted**".

Page 7, line 30, delete "an animal" and insert "**a permitted animal**".

Page 7, line 33, after "each" insert "**permitted**".

Page 7, line 37, after "(1) The" insert "**permitted**".

Page 8, line 9, after "of" insert "**permitted**".

Page 8, line 18, delete "an animal" and insert "**a permitted animal**".

Page 8, line 19, delete "animal" and insert "**permitted animal**".

Page 8, line 23, after "for" insert "**permitted**".

Page 8, between lines 37 and 38, begin a new paragraph and insert:

**"Sec. 16. (a) The captive cervidae programs fund is established.**



The board may use money in the fund to pay the expenses of:

- (1) administering IC 15-17-14.5 and this chapter; and
- (2) implementing programs to control diseases in cervidae authorized under this article.

(b) The fund shall be administered by the board.

(c) The fund consists of all fees collected under this chapter.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 109 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 8, Nays 1.

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#### SENATE MOTION

Madam President: I move that Senate Bill 109 be amended to read as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 4. IC 14-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2016]: Sec. 1. This chapter applies to applications for licenses under the following:

- (+) ~~IC 14-22-26-3(2)~~ (wild animals).
- (2) (1) IC 14-26-2 (lake preservation).
- (3) (2) IC 14-26-5 (dams).
- (4) (3) IC 14-28-1 (flood control).
- (5) (4) IC 14-29-3 (removal of substances from streams).
- (6) (5) IC 14-29-4 (construction of channels).

SECTION 5. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals, except those that are:

- (1) legally owned or being held in captivity under a license or

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permit as required by this article; or  
 (2) otherwise excepted in this article;  
 are the property of the people of Indiana.

(b) The department shall ~~protect~~ **provide for the protection** and properly manage the fish and wildlife resources of proper management of all legally or publicly owned wild animals in Indiana.

SECTION 6. IC 14-22-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. This article does not apply to legally owned captive bred cervidae.**

SECTION 7. IC 14-22-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. This article does not apply to legally owned captive bred members of the bovidae family described in IC 15-17-14.7-3."**

Page 2, delete lines 1 through 10.

Page 7, delete lines 32 through 42, begin a new paragraph and insert:

**"(h) The name, mailing address, electronic mail address, and telephone number of an individual issued a special hunting permit under this section is confidential for purposes of IC 5-14-3-4.**

**Sec. 10. (a) The board shall provide a licensed owner with a transportation tag or a cull tag to be affixed as follows to every permitted animal taken on the licensed owner's hunting preserve:**

**(1) The licensed owner shall cause a transportation tag to be affixed to each permitted animal taken by a hunter on the hunting preserve.**

**(2) The licensed owner shall cause a cull tag to be affixed to each animal culled by the licensed owner.**

**(b) A hunter may not transport or possess a permitted animal taken on a hunting preserve unless a transportation tag is affixed to the permitted animal. A transportation tag affixed to a permitted animal taken by a hunter on a hunting preserve is considered to be the bill of sale for the sale of the permitted animal by the licensed owner to the hunter.**

**(c) A licensed owner may not transport a permitted animal culled from the hunting preserve by the licensed owner unless a cull tag is affixed to the permitted animal. A culled permitted animal may be transported from the hunting preserve to be processed for the personal consumption of the licensed owner or to be donated to charity. The board may not charge a licensed owner**





**for a cull tag provided under this section."**

Page 8, delete lines 1 through 8.

Page 9, between lines 31 and 32, begin a new paragraph and insert:

**"SECTION 20. [EFFECTIVE APRIL 1, 2016] (a) IC 14-11-4-1, as amended by this act, applies to applications for licenses filed after March 31, 2016.**

**(b) This SECTION expires January 1, 2017."**

Renumber all SECTIONS consecutively.

(Reference is to SB 109 as printed January 13, 2016.)

MESSMER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 109 as reprinted January 20, 2016.)

EBERHART

Committee Vote: Yeas 8, Nays 4

