



Reprinted
February 15, 2019

HOUSE BILL No. 1165

DIGEST OF HB 1165 (Updated February 14, 2019 1:24 pm - DI 77)

Citations Affected: IC 36-1; noncode.

Synopsis: Agricultural matters. Prohibits a county, municipality, or township from adopting an ordinance that prohibits a person from beekeeping, raising chickens, or composting on property that the person owns, rents, or leases. Urges the legislative council to assign to an appropriate interim study committee the topic of achieving farmland preservation in Indiana.

Effective: July 1, 2019.

Bauer, Lehe, Goodin, Clere, Deal

January 8, 2019, read first time and referred to Committee on Agriculture and Rural Development.
February 11, 2019, amended, reported — Do Pass.
February 14, 2019, read second time, amended, ordered engrossed.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1165

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 36-1-27 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:

4 **Chapter 27. Ordinances that Affect Agriculture**

5 **Sec. 1. (a) Nothing in this section affects an element of**
6 **beekeeping (as defined in IC 14-8-2-82) that is subject to IC 14-24.**

7 **(b) Except as provided in subsection (c), a unit may not adopt an**
8 **ordinance that prohibits a person from beekeeping on property**
9 **that the person owns, rents, or leases.**

10 **(c) A unit may adopt an ordinance that regulates beekeeping:**

11 **(1) concerning the number of active hives a person may**
12 **operate and the location of bee hives on the property; and**

13 **(2) that conforms to standards established by the Apiary**
14 **Inspectors of America.**

15 **Sec. 2. (a) Except as provided in subsection (b), a unit may not**
16 **adopt an ordinance that prohibits a person from raising chickens**
17 **on property that the person owns, rents, or leases.**

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1 **(b) A unit may adopt an ordinance that regulates chickens**
2 **concerning the number of chickens a person may own and the**
3 **location of chicken coops on the property.**
4 **Sec. 3. (a) This section does not apply to a composting facility**
5 **subject to IC 13-20-10.**
6 **(b) Except as provided in subsection (c), a unit may not adopt an**
7 **ordinance that prohibits a person from composting vegetative**
8 **matter and other types of organic material that are generated by**
9 **the person's activities on property that the person owns, rents, or**
10 **leases.**
11 **(c) A unit may adopt an ordinance that regulates composting**
12 **vegetative matter and other types of organic material that are**
13 **generated by the person's activities concerning the maximum**
14 **composting area a person may operate and the location of the**
15 **composting on the property.**
16 **SECTION 2. [EFFECTIVE JULY 1, 2019] (a) As used in this**
17 **SECTION, "legislative council" refers to the legislative council**
18 **established by IC 2-5-1.1-1.**
19 **(b) The legislative council is urged to assign to the appropriate**
20 **interim study committee during the 2019 legislative interim the**
21 **topic of achieving farmland preservation in Indiana, including**
22 **preservation through agricultural conservation easements.**
23 **(c) If the topic described in subsection (b) is assigned to an**
24 **interim study committee, the interim study committee shall issue**
25 **a final report to the legislative council containing the interim study**
26 **committee's findings and recommendations, including any**
27 **recommended legislation, in an electronic format under IC 5-14-6**
28 **not later than November 1, 2019.**
29 **(d) This SECTION expires December 31, 2019.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 11. Notwithstanding IC 32-24 or any other law, the state or a unit of local government may not acquire an interest in any real property through eminent domain if the real property is subject to an agricultural conservation easement, unless permission has been granted by the director.

Sec. 12. Nothing in this chapter or in an agricultural conservation easement created under this chapter affects the ability of a public utility (as defined in IC 8-1-2-1(a)) or a municipally owned utility (as defined in IC 8-1-2-1(h)) to acquire property or property rights to be used in connection with the provision of utility services to the public."

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 3. IC 36-1-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 27. Ordinances that Affect Agriculture

Sec. 1. (a) Nothing in this section affects an element of beekeeping (as defined in IC 14-8-2-82) that is subject to IC 14-24.

(b) Except as provided in subsection (c), a unit may not adopt an ordinance that prohibits a person from beekeeping on property that the person owns, rents, or leases.

(c) A unit may adopt an ordinance that regulates beekeeping:

- (1) concerning the number of active hives a person may operate and the location of bee hives on the property; and**
- (2) that conforms to standards established by the Apiary Inspectors of America.**

Sec. 2. (a) Except as provided in subsection (b), a unit may not adopt an ordinance that prohibits a person from raising chickens on property that the person owns, rents, or leases.

(b) A unit may adopt an ordinance that regulates chickens concerning the number of chickens a person may own and the location of chicken coops on the property.

Sec. 3. (a) This section does not apply to a composting facility subject to IC 13-20-10.

(b) Except as provided in subsection (c), a unit may not adopt an ordinance that prohibits a person from composting vegetative



matter and other types of organic material that are generated by the person's activities on property that the person owns, rents, or leases.

(c) A unit may adopt an ordinance that regulates composting vegetative matter and other types of organic material that are generated by the person's activities concerning the maximum composting area a person may operate and the location of the composting on the property."

and when so amended that said bill do pass.

(Reference is to HB 1165 as introduced.)

LEHE

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:

Page 3, delete lines 35 through 40, begin a new paragraph and insert:

"Sec. 12. Nothing in this chapter or in an agricultural conservation easement created under this chapter affects the ability of a public utility (as defined in IC 8-1-2-1(a)), a municipally owned utility (as defined in IC 8-1-2-1(h)), or a communications service provider (as defined in IC 8-1-32.6-3) to acquire property or property rights to be used in connection with the provision of utility services or communications service (as defined in IC 8-1-32.6-2) to the public."

(Reference is to HB 1165 as printed February 12, 2019.)

BAUER



HOUSE MOTION

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 26.

Page 5, after line 16, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2019] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the appropriate interim study committee during the 2019 legislative interim the topic of achieving farmland preservation in Indiana, including preservation through agricultural conservation easements.

(c) If the topic described in subsection (b) is assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2019.

(d) This SECTION expires December 31, 2019."

Renumber all SECTIONS consecutively.

(Reference is to HB 1165 as printed February 12, 2019.)

MILLER D

