



February 13, 2015

HOUSE BILL No. 1248

DIGEST OF HB 1248 (Updated February 12, 2015 11:14 am - DI 77)

Citations Affected: IC 15-11.

Synopsis: Urban farming. Requires the state department of agriculture to develop and promote programs in support of urban farming, food cooperatives, and farmers' markets. Establishes the local farm and food council (council) to study certain topics concerning the growth of an Indiana based local farm and food product economy and make recommendations to the department of agriculture (department). Allows the department to implement the council's recommendations. Establishes the Indiana farm and food fund. Establishes a farm commodities and market news service, including a pilot program, within the department, to be funded from the livestock industry promotion and development fund.

Effective: July 1, 2015.

Moed, Arnold L, Shackelford, Judy

January 13, 2015, read first time and referred to Committee on Agriculture and Rural Development.
February 12, 2015, amended, reported — Do Pass.

HB 1248—LS 7031/DI 109



February 13, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1248

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

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

- 1 SECTION 1. IC 15-11-2-6, AS AMENDED BY P.L.25-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 6. (a) The general assembly declares that it is the
4 policy of the state to conserve, protect, and encourage the development
5 and improvement of agriculture, agricultural businesses, and
6 agricultural land for the production of food, fuel, fiber, and other
7 agricultural products. The Indiana Code shall be construed to protect
8 the rights of farmers to choose among all generally accepted farming
9 and livestock production practices, including the use of ever changing
10 technology.
11 (b) The department shall promote the growth of agricultural
12 businesses by doing the following:
13 (1) Assisting agricultural businesses with the permit process
14 required to conduct business in Indiana.
15 (2) Serving as a liaison between agricultural businesses, state

HB 1248—LS 7031/DI 109



1 agencies, and local units of government.

2 **(c) The department shall develop and promote programs that**
3 **support urban farming, food cooperatives, and farmers' markets.**

4 **(d) The department shall adopt rules under IC 4-22-2 necessary**
5 **to implement subsection (c).**

6 SECTION 2. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION
7 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2015]: Sec. 4. (a) The livestock industry promotion and development
9 fund is established as a dedicated fund to be administered by the
10 department.

11 (b) Money in the fund must be spent by the department:

12 (1) exclusively for the purposes described in this chapter **and**
13 **IC 15-11-14**, including administrative expenses; and

14 (2) throughout Indiana.

15 (c) Money in the fund at the end of a state fiscal year does not revert
16 to the state general fund. However, if the fund is abolished, the money
17 in the fund reverts to the state general fund.

18 (d) There is annually appropriated to the department the entire
19 amount of money in the fund for the use of the department in carrying
20 out the purposes of this chapter.

21 **(e) The department may solicit grants and gifts from public or**
22 **private sources for the fund.**

23 SECTION 3. IC 15-11-13 IS ADDED TO THE INDIANA CODE
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]:

26 **Chapter 13. Local Food and Farms Council**

27 **Sec. 1. As used in this chapter, "council" refers to the local food**
28 **and farms council established by section 4 of this chapter.**

29 **Sec. 2. As used in this chapter, "governmental body" has the**
30 **meaning set forth in IC 5-22-2-13.**

31 **Sec. 3. As used in this chapter, "local farm or food products"**
32 **means products grown, processed, packaged, and distributed by**
33 **businesses or persons located wholly within Indiana.**

34 **Sec. 4. The local food and farms council is established.**

35 **Sec. 5. (a) The council consists of the following members:**

36 (1) **The director of the department of agriculture or the**
37 **director's designee.**

38 (2) **The state health commissioner or the state health**
39 **commissioner's designee.**

40 (3) **The chairperson of the Indiana housing and community**
41 **development authority or the chairperson's designee.**

42 (4) **One (1) agricultural specialist from the Purdue University**



- 1 cooperative extension service appointed by the director of the
 2 Purdue University cooperative extension service.
- 3 (5) One (1) local farm or food product farmer representing
 4 the livestock or poultry sector.
- 5 (6) One (1) local farm or food product producer representing
 6 fruit, viticulture, aquaculture, seeds, vegetable, or other
 7 specialty crop or agriculture production sectors.
- 8 (7) One (1) local farm or food product processor.
- 9 (8) One (1) local farm or food product distributor.
- 10 (9) One (1) representative of a nonprofit educational
 11 organization that specializes in supporting and expanding
 12 local farm or food product networks.
- 13 (10) One (1) representative of the state's largest general
 14 farming organization.
- 15 (11) One (1) food product retailer.
- 16 (12) One (1) individual who is a farmers' market
 17 administrator or a market master.
- 18 (b) The lieutenant governor shall appoint the members in
 19 subsection (a)(5) through (a)(12).
- 20 (c) Appointments under this section are for terms of three (3)
 21 years. However, the lieutenant governor shall stagger the initial
 22 terms of the members appointed under subsection (b).
- 23 (d) The appointing authority shall fill a vacancy for the
 24 unexpired term of any member appointed under this section.
- 25 Sec. 6. The director of the department of agriculture or the
 26 director's designee shall serve as chairperson of the council.
- 27 Sec. 7. (a) The council shall meet at least four (4) times per year.
- 28 (b) A majority of the members appointed to the council
 29 constitutes a quorum.
- 30 (c) A majority of the quorum present is necessary to take any
 31 action.
- 32 Sec. 8. (a) The purpose of the council is to advise and assist the
 33 department to facilitate the growth of an Indiana based local farm
 34 and food product economy that:
- 35 (1) revitalizes rural and urban communities;
- 36 (2) promotes healthy eating with access to fresh foods;
- 37 (3) promotes access to fresh, affordable, and nutritious foods
 38 in geographical areas where fresh, affordable, and nutritious
 39 foods are difficult to obtain;
- 40 (4) creates jobs;
- 41 (5) ensures a readily available supply of safe food in an
 42 emergency event; and



- 1 **(6) supports economic growth through making local farm or**
- 2 **food products available to all Indiana residents.**
- 3 **(b) The council shall study and make recommendations to the**
- 4 **department concerning the following:**
- 5 **(1) How to assist local farm and food entrepreneurs to identify**
- 6 **and secure necessary resources and equipment to begin,**
- 7 **maintain, and expand projects and networks necessary for the**
- 8 **development of local farm or food products.**
- 9 **(2) How to facilitate the development of infrastructure,**
- 10 **including aggregation, processing, storage, packaging, and**
- 11 **distribution facilities necessary to move local farm or food**
- 12 **products to local and other markets.**
- 13 **(3) How to support and expand programs that recruit, train,**
- 14 **and provide technical assistance to farmers and residents in**
- 15 **order to encourage the production of local farm or food**
- 16 **products.**
- 17 **(4) How to coordinate interagency policies, initiatives, and**
- 18 **procedures promoting local farm or food products in local**
- 19 **communities by working with and involving local, state, and**
- 20 **federal agencies, as well as community based organizations,**
- 21 **educational institutions, and trade organizations in**
- 22 **implementing this chapter.**
- 23 **(5) How to facilitate the elimination of any unnecessary legal**
- 24 **barriers hindering the development of a local farm and food**
- 25 **economy by working with local, state, and federal public**
- 26 **health agencies, other agencies and applicable entities, and the**
- 27 **office of the attorney general to create consistent and**
- 28 **compatible rules for the production, storage, distribution, and**
- 29 **marketing of local farm or food products.**
- 30 **(6) How to facilitate the use of public lands for growing local**
- 31 **farm or food products by working with governmental entities**
- 32 **at the local, state, and federal levels.**
- 33 **(7) How to initiate and facilitate public awareness and**
- 34 **education campaigns about the economic and health benefits**
- 35 **of a local farm and food economy, including at county fairs**
- 36 **and the state fair.**
- 37 **(c) The department may do the following:**
- 38 **(1) Implement recommendations made by the council.**
- 39 **(2) Implement programs and actions to carry out the purposes**
- 40 **of this chapter.**
- 41 **Sec. 9. The department shall provide staff and administrative**
- 42 **assistance to the council. The respective staff of each agency**



1 represented in section 5(a)(1) through 5(a)(4) shall provide
2 research or other assistance as needed by the council.

3 **Sec. 10. (a)** The Indiana farm and food fund is established to
4 provide grants and loans to farms, businesses, organizations, and
5 local governments to carry out the purposes of this chapter. The
6 fund shall be administered by the department.

7 (b) The fund consists of appropriations from the general
8 assembly and gifts, contributions, and grants to the fund. The
9 expenses of administering the fund shall be paid from the money
10 in the fund. The expenses of administering this chapter may be
11 paid from money in the fund.

12 (c) The treasurer of state shall invest the money in the fund not
13 currently needed to meet the obligations of the fund in the same
14 manner as other public funds may be invested.

15 (d) The money in the fund at the end of a state fiscal year does
16 not revert to the state general fund but remains in the fund to be
17 used exclusively for purposes of this chapter.

18 (e) Money in the fund is continuously appropriated for the
19 purposes of this chapter.

20 (f) The department and council may solicit grants and gifts from
21 public or private sources for the fund.

22 **Sec. 11.** Beginning July 1, 2016, the council shall submit an
23 annual report of its activities under this chapter to the general
24 assembly in an electronic format under IC 5-14-6 and to the
25 governor.

26 **Sec. 12.** The department may adopt rules under IC 4-22-2 to
27 implement this chapter.

28 **Sec. 13.** This chapter expires July 2, 2020.

29 SECTION 4. IC 15-11-14 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]:

32 **Chapter 14. Farm Commodities and Market News Service**

33 **Sec. 1. (a)** Beginning July 1, 2017, the department shall:

34 (1) implement and promote a program to supply to the
35 agriculture industry marketing assistance that provides
36 unbiased price and sales information to assist in the
37 marketing and distribution of farm commodities; and

38 (2) implement and maintain a market news service for the
39 purpose of disseminating information that will aid producers
40 and consumers in the sale and purchase of agricultural
41 products.

42 (b) Beginning July 1, 2015, the department shall develop and



1 **implement a pilot program that incorporates the requirements in**
2 **subsection (a). The pilot program must:**
3 **(1) be designed in a manner that will allow for the expansion**
4 **of information that is provided in the future based on the**
5 **needs of the agricultural industry; and**
6 **(2) focus on livestock and forage products.**
7 **The pilot program expires July 1, 2017.**
8 **Sec. 2. The department may negotiate and enter into**
9 **cooperative agreements with the United States Department of**
10 **Agriculture or any other appropriate federal agency to implement**
11 **this chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1248, 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:

Delete the title and insert the following:

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

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

- (1) exclusively for the purposes described in this chapter **and IC 15-11-14**, including administrative expenses; and
- (2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

(e) The department may solicit grants and gifts from public or private sources for the fund.

SECTION 3. IC 15-11-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 13. Local Food and Farms Council

Sec. 1. As used in this chapter, "council" refers to the local food and farms council established by section 4 of this chapter.

Sec. 2. As used in this chapter, "governmental body" has the meaning set forth in IC 5-22-2-13.

Sec. 3. As used in this chapter, "local farm or food products" means products grown, processed, packaged, and distributed by businesses or persons located wholly within Indiana.

Sec. 4. The local food and farms council is established.

Sec. 5. (a) The council consists of the following members:

- (1) The director of the department of agriculture or the director's designee.
- (2) The state health commissioner or the state health



commissioner's designee.

(3) The chairperson of the Indiana housing and community development authority or the chairperson's designee.

(4) One (1) agricultural specialist from the Purdue University cooperative extension service appointed by the director of the Purdue University cooperative extension service.

(5) One (1) local farm or food product farmer representing the livestock or poultry sector.

(6) One (1) local farm or food product producer representing fruit, viticulture, aquaculture, seeds, vegetable, or other specialty crop or agriculture production sectors.

(7) One (1) local farm or food product processor.

(8) One (1) local farm or food product distributor.

(9) One (1) representative of a nonprofit educational organization that specializes in supporting and expanding local farm or food product networks.

(10) One (1) representative of the state's largest general farming organization.

(11) One (1) food product retailer.

(12) One (1) individual who is a farmers' market administrator or a market master.

(b) The lieutenant governor shall appoint the members in subsection (a)(5) through (a)(12).

(c) Appointments under this section are for terms of three (3) years. However, the lieutenant governor shall stagger the initial terms of the members appointed under subsection (b).

(d) The appointing authority shall fill a vacancy for the unexpired term of any member appointed under this section.

Sec. 6. The director of the department of agriculture or the director's designee shall serve as chairperson of the council.

Sec. 7. (a) The council shall meet at least four (4) times per year.

(b) A majority of the members appointed to the council constitutes a quorum.

(c) A majority of the quorum present is necessary to take any action.

Sec. 8. (a) The purpose of the council is to advise and assist the department to facilitate the growth of an Indiana based local farm and food product economy that:

(1) revitalizes rural and urban communities;

(2) promotes healthy eating with access to fresh foods;

(3) promotes access to fresh, affordable, and nutritious foods in geographical areas where fresh, affordable, and nutritious



foods are difficult to obtain;

(4) creates jobs;

(5) ensures a readily available supply of safe food in an emergency event; and

(6) supports economic growth through making local farm or food products available to all Indiana residents.

(b) The council shall study and make recommendations to the department concerning the following:

(1) How to assist local farm and food entrepreneurs to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products.

(2) How to facilitate the development of infrastructure, including aggregation, processing, storage, packaging, and distribution facilities necessary to move local farm or food products to local and other markets.

(3) How to support and expand programs that recruit, train, and provide technical assistance to farmers and residents in order to encourage the production of local farm or food products.

(4) How to coordinate interagency policies, initiatives, and procedures promoting local farm or food products in local communities by working with and involving local, state, and federal agencies, as well as community based organizations, educational institutions, and trade organizations in implementing this chapter.

(5) How to facilitate the elimination of any unnecessary legal barriers hindering the development of a local farm and food economy by working with local, state, and federal public health agencies, other agencies and applicable entities, and the office of the attorney general to create consistent and compatible rules for the production, storage, distribution, and marketing of local farm or food products.

(6) How to facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, state, and federal levels.

(7) How to initiate and facilitate public awareness and education campaigns about the economic and health benefits of a local farm and food economy, including at county fairs and the state fair.

(c) The department may do the following:

(1) Implement recommendations made by the council.



(2) Implement programs and actions to carry out the purposes of this chapter.

Sec. 9. The department shall provide staff and administrative assistance to the council. The respective staff of each agency represented in section 5(a)(1) through 5(a)(4) shall provide research or other assistance as needed by the council.

Sec. 10. (a) The Indiana farm and food fund is established to provide grants and loans to farms, businesses, organizations, and local governments to carry out the purposes of this chapter. The fund shall be administered by the department.

(b) The fund consists of appropriations from the general assembly and gifts, contributions, and grants to the fund. The expenses of administering the fund shall be paid from the money in the fund. The expenses of administering this chapter may be paid from money in the fund.

(c) 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 funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

(f) The department and council may solicit grants and gifts from public or private sources for the fund.

Sec. 11. Beginning July 1, 2016, the council shall submit an annual report of its activities under this chapter to the general assembly in an electronic format under IC 5-14-6 and to the governor.

Sec. 12. The department may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 13. This chapter expires July 2, 2020.

SECTION 4. IC 15-11-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Farm Commodities and Market News Service

Sec. 1. (a) Beginning July 1, 2017, the department shall:

- (1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and**
- (2) implement and maintain a market news service for the**



purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.

(b) Beginning July 1, 2015, the department shall develop and implement a pilot program that incorporates the requirements in subsection (a). The pilot program must:

(1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and

(2) focus on livestock and forage products.

The pilot program expires July 1, 2017.

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1248 as introduced.)

LEHE

Committee Vote: yeas 12, nays 1.

