



March 17, 2015

ENGROSSED SENATE BILL No. 249

DIGEST OF SB 249 (Updated March 12, 2015 10:16 am - DI 77)

Citations Affected: IC 15-11; IC 15-17; IC 36-1.

Synopsis: Agricultural matters. Establishes a farm commodities and market news service, including a pilot program, within the department of agriculture, to be funded by the livestock industry promotion and development fund. Allows the feeding of garbage to swine if the garbage is treated to kill disease organisms in accordance with rules adopted by the Indiana Board of Animal Health (board) and the processing occurs at a facility operated by a person holding a valid license issued by the board. Requires the Purdue Cooperative Extension Service and the Purdue University College of Agriculture to study the impact of local land use ordinances on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock.

Effective: July 1, 2015.

Leising, Glick, Messmer

(HOUSE SPONSORS — LEHE, BAIRD)

January 6, 2015, read first time and referred to Committee on Agriculture.
February 3, 2015, amended, reported favorably — Do Pass.
February 5, 2015, read second time, ordered engrossed. Engrossed.
February 9, 2015, read third time, passed. Yeas 46, nays 3.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Agriculture and Rural Development.
March 16, 2015, amended, reported — Do Pass.

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March 17, 2015

First Regular Session 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.

ENGROSSED SENATE BILL No. 249

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

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

- 1 SECTION 1. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION
2 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2015]: Sec. 4. (a) The livestock industry promotion and development
4 fund is established as a dedicated fund to be administered by the
5 department.
6 (b) Money in the fund must be spent by the department:
7 (1) exclusively for the purposes described in this chapter **and**
8 **IC 15-11-14**, including administrative expenses; and
9 (2) throughout Indiana.
10 (c) Money in the fund at the end of a state fiscal year does not revert
11 to the state general fund. However, if the fund is abolished, the money
12 in the fund reverts to the state general fund.
13 (d) There is annually appropriated to the department the entire
14 amount of money in the fund for the use of the department in carrying
15 out the purposes of this chapter.
16 SECTION 2. IC 15-11-14 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]:

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

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

5 (1) implement and promote a program to supply to the
6 agriculture industry marketing assistance that provides
7 unbiased price and sales information to assist in the
8 marketing and distribution of farm commodities; and

9 (2) implement and maintain a market news service for the
10 purpose of disseminating information that will aid producers
11 and consumers in the sale and purchase of agricultural
12 products.

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

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

19 (2) focus on livestock and forage products.

20 **The pilot program expires July 1, 2017.**

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

25 SECTION 3. IC 15-17-2-34, AS ADDED BY P.L.2-2008,
26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2015]: Sec. 34. (a) "Garbage" means:

28 (1) any waste material derived in whole or in part from any
29 animal, including fish and poultry; or

30 (2) refuse from the handling, preparation, cooking, or
31 consumption of food that has been associated with waste material
32 derived in whole or in part from any animal, including fish and
33 poultry.

34 (b) The term does not include:

35 (1) bakery waste;

36 (2) candy waste;

37 (3) eggs;

38 (4) domestic dairy products; ~~or~~

39 **(5) a processed product;**

40 **(6) a rendered product; or**

41 ~~(5)~~ (7) waste from ordinary household operations that is fed
42 directly to swine on the same premises where the household is



- 1 located.
- 2 SECTION 4. IC 15-17-2-91.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2015]: **Sec. 91.5. "Processed product" means**
5 **material derived in whole or in part from any animal, including**
6 **fish and poultry, and other refuse that has been associated with any**
7 **such material, that has undergone an industrial manufacturing**
8 **procedure to prevent spoilage or add shelf stability that has been:**
9 (1) **at a minimum, cooked to a temperature of one hundred**
10 **sixty-seven (167) degrees Fahrenheit for at least thirty (30)**
11 **minutes; or**
12 (2) **subjected to another industrial process demonstrated to**
13 **provide an equivalent level of inactivation of disease**
14 **organisms, as approved by the board.**
- 15 SECTION 5. IC 15-17-2-95, AS ADDED BY P.L.2-2008,
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2015]: Sec. 95. "Rendered product" means waste material
18 derived in whole or in part from any animal, including fish and poultry,
19 and refuse from the handling, preparation, cooking, or consumption of
20 food that has been:
21 (1) ground and heated to a minimum temperature of two hundred
22 thirty (230) degrees Fahrenheit to make products such as animal,
23 poultry, or fish protein meal, grease, or tallow; **or**
24 (2) **subject to other industrial processes demonstrated to**
25 **provide an equivalent level of inactivation of disease**
26 **organisms, as approved under rules adopted by the board.**
- 27 SECTION 6. IC 15-17-10-16, AS ADDED BY P.L.2-2008,
28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2015]: Sec. 16. A person may not feed or permit the feeding
30 of garbage to swine, **except for rendered products. unless:**
31 (1) **the garbage is treated to kill disease organisms in**
32 **accordance with rules adopted by the board; and**
33 (2) **the processing occurs at a facility operated by a person**
34 **holding a valid license issued by the board, for the treatment**
35 **of garbage.**
- 36 SECTION 7. IC 36-1-3-10 IS ADDED TO THE INDIANA CODE
37 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2015]: **Sec. 10. (a) As used in this section, "livestock" has the**
39 **meaning set forth in IC 15-11-5-1.**
40 (b) **Purdue Extension and the Purdue University College of**
41 **Agriculture shall study the impact of local land use ordinances on**
42 **the construction of buildings or other structures used in the**



1 breeding, feeding, and housing of livestock. The study must include
2 the following:

3 (1) A listing of the counties, cities, and towns that have
4 considered imposing land use limitations on the construction
5 of buildings or other structures used in the breeding, feeding,
6 and housing of livestock.

7 (2) A summary of any land use ordinances adopted by
8 counties, cities, and towns since 2010 that have restricted the
9 construction of buildings or other structures used in the
10 breeding, feeding, and housing of livestock in the adopting
11 counties, cities, and towns.

12 (3) A discussion of the particular restrictive aspects of the
13 ordinances summarized under subdivision (2), including set
14 back requirements, moratoriums, and limitations on the size
15 of a building or lot subject to the ordinance.

16 (4) A discussion of any other land use restrictions that have
17 affected the development of buildings or other structures used
18 in the breeding, feeding, and housing of livestock in Indiana.

19 (5) If applicable, a discussion of any projects that have been
20 developed in other states because of a land use restriction that
21 prevented developing the project in a preferred Indiana
22 location.

23 (6) Summarize the importance of livestock agriculture to each
24 county and the estimated economic impact of livestock
25 agriculture on the Indiana economy.

26 (c) Before November 1, 2015, Purdue Cooperative Extension
27 Service and the Purdue University College of Agriculture shall
28 report the results of the study required by subsection (b) to the
29 budget committee, to the Indiana land resources council
30 (IC 15-12-5), and to the legislative council in an electronic format
31 under IC 5-14-6.

32 (d) This section expires July 1, 2016.



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 249, 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:

Delete amendment AM024902, as adopted by the Committee on Agriculture on January 12, 2015.

Page 1, line 3, delete "means the" and insert "**has the meaning set forth in IC 15-11-5-1.**".

Page 1, delete lines 4 through 16, begin a new paragraph and insert:

"(b) Purdue Extension and the Purdue University College of Agriculture shall study the impact of local land use ordinances on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock. The study must include the following:

(1) A listing of the counties, cities, and towns that have considered imposing land use limitations on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock.

(2) A summary of any land use ordinances adopted by counties, cities, and towns since 2010 that have restricted the construction of buildings or other structures used in the breeding, feeding, and housing of livestock in the adopting counties, cities, and towns.

(3) A discussion of the particular restrictive aspects of the ordinances summarized under subdivision (2), including set back requirements, moratoriums, and limitations on the size of a building or lot subject to the ordinance.

(4) A discussion of any other land use restrictions that have affected the development of buildings or other structures used in the breeding, feeding, and housing of livestock in Indiana.

(5) If applicable, a discussion of any projects that have been developed in other states because of a land use restriction that prevented developing the project in a preferred Indiana location.

(6) Summarize the importance of livestock agriculture to each county and the estimated economic impact of livestock agriculture on the Indiana economy.

(c) Before November 1, 2015, Purdue Extension and the Purdue University College of Agriculture shall report the results of the study required by subsection (b) to the budget committee and to the legislative council in an electronic format under IC 5-14-6.

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(d) This section expires July 1, 2016."

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 249 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 249, 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.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. 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.

SECTION 2. 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

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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.

SECTION 3. IC 15-17-2-34, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) "Garbage" means:

(1) any waste material derived in whole or in part from any animal, including fish and poultry; or

(2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

(1) bakery waste;

(2) candy waste;

(3) eggs;

(4) domestic dairy products; ~~or~~

(5) a processed product;

(6) a rendered product; or

~~(7)~~ (7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

SECTION 4. IC 15-17-2-91.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 91.5. "Processed product" means material derived in whole or in part from any animal, including**



fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:

- (1) at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or**
- (2) subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.**

SECTION 5. IC 15-17-2-95, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:

- (1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or tallow; or**
- (2) subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.**

SECTION 6. IC 15-17-10-16, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. A person may not feed or permit the feeding of garbage to swine, ~~except for rendered products.~~ **unless:**

- (1) the garbage is treated to kill disease organisms in accordance with rules adopted by the board; and**
- (2) the processing occurs at a facility operated by a person holding a valid license issued by the board, for the treatment of garbage."**

Page 2, line 17, delete "Extension" and insert "**Cooperative Extension Service**".

Page 2, line 19, after "committee" insert ", **to the Indiana land resources council (IC 15-12-5),**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 249 as printed February 4, 2015.)

LEHE

Committee Vote: yeas 10, nays 0.

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