



March 28, 2017

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# ENGROSSED HOUSE BILL No. 1234

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DIGEST OF HB 1234 (Updated March 27, 2017 11:44 am - DI 129)

**Citations Affected:** IC 15-16.

**Synopsis:** Storage of agricultural ammonia. Provides for the regulation by the state chemist of facilities for the storage of ammonia or ammonia solutions. Defines "ammonia" to mean anhydrous ammonia that is intended for use as a fertilizer for agricultural purposes. Defines "facility for the storage of ammonia or ammonia solutions" as a facility in which ammonia or ammonia solutions are: (1) stored by a person that manufacturers or distributes ammonia or ammonia solutions; (2) stored in stationary containers; or (3) stored in mobile containers for more than 30 days in a calendar year. Prohibits the installation of a facility for the storage of ammonia or ammonia solutions unless the state chemist has issued written approval of the location of the proposed facility. Provides for the inspection by the state chemist of facilities for the storage of ammonia or ammonia solutions. Authorizes the state chemist to deny, suspend, revoke, or amend a certificate issued under the law regulating commercial fertilizers for a violation of the law regulating agricultural ammonia. Authorizes the state chemist to request the issuance of subpoenas to compel the attendance of witnesses or the production of books or records as part of an investigation concerning a registration under the law regulating commercial fertilizers.

**Effective:** July 1, 2017.

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## Lehe, Klinker

(SENATE SPONSOR — LEISING)

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January 10, 2017, read first time and referred to Committee on Agriculture and Rural Development.

January 26, 2017, reported — Do Pass.

January 30, 2017, read second time, ordered engrossed. Engrossed.

January 31, 2017, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 20, 2017, read first time and referred to Committee on Agriculture.

March 27, 2017, amended, reported favorably — Do Pass.

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EH 1234—LS 6575/DI 55





March 28, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1234

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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 15-16-1-1, AS ADDED BY P.L.2-2008, SECTION  
2 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2017]: Sec. 1. Except as **otherwise** provided in this chapter, this  
4 chapter applies to: ~~all facilities~~

5 (1) **every facility** for the distribution of ammonia or ammonia  
6 solutions; **and**

7 (2) **every facility for the storage of ammonia or ammonia**  
8 **solutions;**

9 that ~~are~~ **is** located in Indiana.

10 SECTION 2. IC 15-16-1-2, AS ADDED BY P.L.2-2008, SECTION  
11 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
12 2017]: Sec. 2. As used in this chapter, "ammonia" means ~~agricultural~~  
13 anhydrous ammonia (NH<sub>3</sub>) **that is intended for use as a fertilizer for**  
14 **agricultural purposes.**

15 SECTION 3. IC 15-16-1-4.5, IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2017]: **Sec. 4.5. As used in this chapter,**

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1 **"facility for the storage of ammonia or ammonia solutions" means**  
 2 **a facility in which ammonia or ammonia solutions are:**

- 3 **(1) stored by a person that manufactures or distributes**  
 4 **ammonia or ammonia solutions;**  
 5 **(2) stored in stationary containers; or**  
 6 **(3) stored in mobile containers for more than thirty (30) days**  
 7 **in a calendar year.**

8 SECTION 4. IC 15-16-1-8, AS ADDED BY P.L.2-2008, SECTION  
 9 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 10 2017]: Sec. 8. (a) Before installing:

- 11 **(1) ~~facilities~~ a facility** for the distribution of ammonia or  
 12 ammonia solutions; **or**  
 13 **(2) a facility for the storage of ammonia or ammonia**  
 14 **solutions;**

15 a person shall, on forms provided by the state chemist, apply for  
 16 approval of the location of the proposed ~~distribution facilities.~~ **facility.**  
 17 The application must include a statement that the installation will  
 18 comply with all local zoning regulations and building codes.

19 (b) If the state chemist determines that the location meets the  
 20 requirements of this chapter and the rules adopted under this chapter,  
 21 the state chemist shall issue written approval of the location not later  
 22 than thirty (30) days after receipt of the application. If the state chemist  
 23 determines that the location does not meet the requirements of this  
 24 chapter and the rules adopted under this chapter, the state chemist shall  
 25 issue written disapproval of the location not later than thirty (30) days  
 26 after receipt of the application.

27 (c) ~~Distribution facilities A:~~

- 28 **(1) facility for the distribution of ammonia or ammonia**  
 29 **solutions; or**  
 30 **(2) facility for the storage of ammonia or ammonia solutions;**  
 31 **that was** installed before December 30, 1965, ~~are~~ **is** exempt from the  
 32 requirements **of this section** for location approval.

33 (d) A public way may not be placed closer to an existing:  
 34 ~~distribution~~

- 35 **(1) facility for the distribution of ammonia or ammonia**  
 36 **solutions; or**  
 37 **(2) facility for the storage of ammonia or ammonia solutions;**  
 38 than the distance required by rules adopted under this chapter.

39 SECTION 5. IC 15-16-1-9, AS ADDED BY P.L.2-2008, SECTION  
 40 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 41 2017]: Sec. 9. (a) The state chemist or the state chemist's agent shall  
 42 inspect: ~~distribution~~



1 (1) facilities **for the distribution of ammonia or ammonia**  
 2 **solutions;**

3 (2) facilities **for the storage of ammonia or ammonia**  
 4 **solutions;** and

5 (3) operating procedures **used at the inspected facilities;**

6 at reasonable times and to the extent reasonably necessary to determine  
 7 whether the ~~distribution facility~~ **complies facilities comply** with this  
 8 chapter and the rules adopted under this chapter.

9 (b) The state chemist or the state chemist's agent may enter any  
 10 public or private premises at reasonable hours in order to:

11 (1) have access to and inspect facilities, equipment, and vehicles  
 12 of transport not principally engaged in interstate commerce; and

13 (2) observe procedures used in the distribution, application, or use  
 14 of ammonia or ammonia solutions.

15 SECTION 6. IC 15-16-1-13, AS ADDED BY P.L.2-2008,  
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2017]: Sec. 13. A person may not:

18 (1) install: ~~facilities~~

19 (A) **a facility for the** distribution of ammonia or ammonia  
 20 **solutions; or**

21 (B) **a facility for the storage of ammonia or ammonia**  
 22 **solutions;**

23 without first obtaining written approval of the state chemist for  
 24 the location **of the facility;**

25 (2) distribute ammonia or ammonia solutions from an unapproved  
 26 location for which approval is required under this chapter;

27 (3) distribute, store, transport, or use ammonia or ammonia  
 28 solutions in violation of:

29 (A) this chapter; or

30 (B) the rules adopted under this chapter;

31 (4) violate a correction order issued under section 12 of this  
 32 chapter; or

33 (5) use an ammonia or ammonia solutions container for any  
 34 purpose without the prior authorization of the owner of the  
 35 container.

36 SECTION 7. IC 15-16-1-14, AS AMENDED BY P.L.99-2012,  
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2017]: Sec. 14. (a) If a person violates this chapter or a rule  
 39 adopted under this chapter, the state chemist may:

40 (1) warn, issue a citation to, or impose a civil penalty on the  
 41 person; or

42 (2) deny, suspend, revoke, or amend the person's license,



1 certificate, registration, permit, or application under this chapter  
2 **or IC 15-16-2.**

3 (b) The state chemist may adopt by rule, under IC 4-22-2, a  
4 schedule of civil penalties that may be imposed under subsection (a).  
5 The state chemist may impose a civil penalty only according to a  
6 schedule of civil penalties recommended by the board.

7 (c) A person who knowingly or intentionally violates this chapter  
8 commits a Class C misdemeanor.

9 SECTION 8. IC 15-16-1-16, AS ADDED BY P.L.99-2012,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2017]: Sec. 16. The state chemist may request a court to issue  
12 subpoenas to compel:

13 (1) the attendance of witnesses; or

14 (2) the production of books, documents, and records;

15 as part of an authorized investigation or a hearing located in Indiana  
16 affecting the authority or privilege granted by a license, certificate,  
17 application, registration, or permit issued under this chapter **or**  
18 **IC 15-16-2.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1234, 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 HB 1234 as introduced.)

LEHE

Committee Vote: Yeas 11, Nays 0

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 COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred House Bill No. 1234, 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, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 15-16-1-2, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. As used in this chapter, "ammonia" means ~~agricultural~~ anhydrous ammonia (NH<sub>3</sub>) **that is intended for use as a fertilizer for agricultural purposes.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1234 as printed January 27, 2017.)

LEISING, Chairperson

Committee Vote: Yeas 8, Nays 0.

