



March 26, 2019

ENGROSSED HOUSE BILL No. 1638

DIGEST OF HB 1638 (Updated March 25, 2019 12:10 pm - DI 129)

Citations Affected: IC 5-10.3; IC 15-13; IC 34-13.

Synopsis: State fair. Reorganizes the state fair board (board) member districts. Provides for the transition and retention of current board members. Adds: (1) the director of the Purdue University cooperative extension service and an appointed member of the state fair board (board) as voting members of the state fair commission (commission); and (2) the chairperson and vice chairperson of the state fair advisory committee and a community representative as nonvoting members of the commission. Provides that not more than two members of the commission may be from the same district. Provides that the commission and the board shall ensure that the state fair (fair) is held annually. Specifies that the commission is responsible for all contracts
(Continued next page)

Effective: July 1, 2019.

Lehe, Cherry, Thompson, Torr, Klinker

(SENATE SPONSORS — LEISING, PERFECT)

January 24, 2019, read first time and referred to Committee on Agriculture and Rural Development.
February 7, 2019, amended, reported — Do Pass.
February 18, 2019, read second time, amended, ordered engrossed.
February 19, 2019, engrossed. Read third time, passed. Yeas 96, nays 0.
SENATE ACTION
March 7, 2019, read first time and referred to Committee on Agriculture.
March 25, 2019, amended, reported favorably — Do Pass.

EH 1638—LS 7000/DI 77



Digest Continued

related to the fair. Provides that statewide organizations may be certified by the department of agriculture (department) as eligible to vote in a state fair district election. Requires the department to maintain a list of organizations on the department's Internet web site that are certified to vote in a district election. Requires the director or an employee of the department designated by the director to preside over a district convention. Allows certain individuals to act as observers during the counting of the ballots. Requires the department, after the results of the election have been certified, to: (1) destroy the ballots; and (2) preserve the tally papers. Specifies responsibilities for the commission and board concerning the state fair and the fairgrounds. Repeals statutes concerning the center for agricultural science and heritage. Establishes the committee for agricultural science and heritage to advise the commission. Specifies that both the board and commission are state agencies for purposes of the Indiana tort claims act. Makes conforming changes.

EH 1638—LS 7000/DI 77



March 26, 2019

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.

ENGROSSED HOUSE BILL No. 1638

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 5-10.3-7-1, AS AMENDED BY P.L.241-2015,
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) This section does not apply to:
4 (1) members of the general assembly; or
5 (2) employees covered by section 3 of this chapter.
6 (b) As used in this section, "employees of the state" includes:
7 (1) employees of the judicial circuits whose compensation is paid
8 from state funds;
9 (2) elected and appointed state officers;
10 (3) prosecuting attorneys and deputy prosecuting attorneys of the
11 judicial circuits, whose compensation is paid in whole or in part
12 from state funds, including participants in the prosecuting
13 attorneys retirement fund established under IC 33-39-7;
14 (4) employees in the classified service;
15 (5) employees of any state department, institution, board,
16 commission, office, agency, court, or division of state government
17 receiving state appropriations and having the authority to certify

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1 payrolls from appropriations or from a trust fund held by the
2 treasurer of state or by any department;

3 (6) employees of any state agency that is a body politic and
4 corporate;

5 (7) except as provided under IC 5-10.5-7-4, employees of the
6 board of trustees of the Indiana public retirement system;

7 (8) persons who:

8 (A) are employed by the state;

9 (B) have been classified as federal employees by the United
10 States Secretary of Agriculture; and

11 (C) are excluded from coverage as federal employees by the
12 federal Social Security program under 42 U.S.C. 410;

13 (9) the directors and employees of county offices of family and
14 children; **and**

15 ~~(10) employees of the center for agricultural science and heritage~~
16 ~~(the barn); and~~

17 ~~(11)~~ **(10)** members and employees of the state lottery commission.

18 (c) An employee of the state or of a participating political
19 subdivision who:

20 (1) became a full-time employee of the state or of a participating
21 political subdivision in a covered position; and

22 (2) had not become a member of the fund;

23 before April 1, 1988, shall on April 1, 1988, become a member of the
24 fund unless the employee is excluded from membership under section
25 2 of this chapter.

26 (d) Except as otherwise provided, any individual who becomes a
27 full-time employee of the state or of a participating political
28 subdivision in a covered position after March 31, 1988, becomes a
29 member of the fund on the date the individual's employment begins
30 unless the individual is excluded from membership under section 2 of
31 this chapter.

32 (e) An individual:

33 (1) who becomes a full-time employee of a political subdivision
34 in a covered position after June 30, 2015;

35 (2) who is employed by a political subdivision that has elected in
36 an ordinance or resolution adopted under IC 5-10.3-6-1 and
37 approved by the board to require an employee in the covered
38 position to become a member of the fund; and

39 (3) who is not excluded from membership under section 2 of this
40 chapter;

41 becomes a member of the fund on the date the individual's employment
42 begins.



- 1 (f) An individual:
 2 (1) who becomes a full-time employee of a political subdivision
 3 in a covered position after an ordinance or resolution described in
 4 subdivision (2) that is adopted by the political subdivision has
 5 been approved by the board;
 6 (2) who is employed by a political subdivision that has elected in
 7 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 8 approved by the board:
 9 (A) to allow an employee in the covered position to become a
 10 member of the fund or a member of the public employees'
 11 defined contribution plan at the discretion of the employee;
 12 and
 13 (B) to require an employee in a covered position to make an
 14 election under IC 5-10.3-12-20.5 in order to become a member
 15 of the plan;
 16 (3) who does not make an election under IC 5-10.3-12-20.5 to
 17 become a member of the public employees' defined contribution
 18 plan; and
 19 (4) who is not excluded from membership under section 2 of this
 20 chapter;
 21 becomes a member of the fund on the date the individual's employment
 22 begins.
 23 (g) An individual:
 24 (1) who becomes a full-time employee of a political subdivision
 25 in a covered position after an ordinance or resolution described in
 26 subdivision (2) that is adopted by the political subdivision has
 27 been approved by the board;
 28 (2) who is employed by a political subdivision that has elected in
 29 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 30 approved by the board:
 31 (A) to allow an employee in the covered position to become a
 32 member of the fund or the public employees' defined
 33 contribution plan at the discretion of the employee; and
 34 (B) to require an employee to make an election under section
 35 1.1 of this chapter in order to become a member of the fund;
 36 (3) who does make an election under section 1.1 of this chapter to
 37 become a member of the fund; and
 38 (4) who is not excluded from membership under section 2 of this
 39 chapter;
 40 becomes a member of the fund on the date the individual's employment
 41 begins.
 42 SECTION 2. IC 15-13-1-3, AS ADDED BY P.L.2-2008, SECTION



1 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2 2019]: Sec. 3. "Agricultural interest" means any of the following:

- 3 (1) The Indiana Farm Bureau, Inc.
4 (2) The Farmers' Union.
5 (3) The Grange.
6 (4) The National Farmers Organization.
7 (5) A county or another regularly organized agricultural fair,
8 including a county 4-H fair.
9 (6) The beef cattle industry.
10 (7) The dairy cattle industry.
11 (8) The grain growers' industry.
12 (9) Home economic clubs.
13 (10) The horticulture industry.
14 (11) Horse associations.
15 (12) The poultry industry.
16 (13) The sheep industry.
17 (14) The swine industry.
18 (15) The vegetable growers' industry.
19 (16) A county cooperative extension board.
20 (17) A soil and water conservation district.

21 **regularly organized organization in the state that represents,**
22 **supports, or promotes farmers, agricultural commodities,**
23 **livestock, conservation, county 4-H fairs, exhibition animals, or**
24 **county extension boards.**

25 SECTION 3. IC 15-13-1-4 IS REPEALED [EFFECTIVE JULY 1,
26 2019]. Sec. 4. "Barn" refers to the center for agricultural science and
27 heritage established by IC 15-13-11-1.

28 SECTION 4. IC 15-13-1-5 IS REPEALED [EFFECTIVE JULY 1,
29 2019]. Sec. 5. "Barn director" refers to the individual who administers
30 the educational programs and operations of the barn.

31 SECTION 5. IC 15-13-1-8.5 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2019]: Sec. 8.5. "Committee" refers to the committee for
34 agricultural science and heritage established by IC 15-13-12-2.

35 SECTION 6. IC 15-13-1-9.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2019]: Sec. 9.5. "Delegated board member" means a member of
38 the board serving under IC 15-13-5-2(a)(4) or IC 15-13-5-2(a)(5)
39 who has been assigned a department by the board.

40 SECTION 7. IC 15-13-1-10, AS ADDED BY P.L.2-2008,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 10. "District" means any of the following districts:



- 1 (1) District 1 consists of the following counties:
 2 Benton County
 3 Carroll County
 4 **Cass County**
 5 **Fulton County**
 6 Jasper County
 7 Lake County
 8 **LaPorte County**
 9 **Marshall County**
 10 Newton County
 11 Porter County
 12 Pulaski County
 13 Starke County
 14 **St. Joseph County**
 15 **Warren County**
 16 White County.
 17 (2) District 2 consists of the following counties:
 18 **Bartholomew County**
 19 **Brown County**
 20 ~~Cass County~~
 21 **Clark County**
 22 **Dearborn County**
 23 ~~Elkhart County~~
 24 **Floyd County**
 25 ~~Fulton County~~
 26 **Harrison County**
 27 ~~Howard County~~
 28 **Jackson County**
 29 **Jefferson County**
 30 **Jennings County**
 31 ~~Kosciusko County~~
 32 ~~LaPorte County~~
 33 ~~Marshall County~~
 34 ~~Miami County~~
 35 **Ohio County**
 36 **Ripley County**
 37 ~~St. Joseph County~~
 38 **Scott County**
 39 **Switzerland County**
 40 **Washington County.**
 41 ~~Whitley County.~~
 42 (3) District 3 consists of the following counties:



- 1 Adams County
 2 Allen County
 3 Blackford County
 4 DeKalb County
 5 ~~Delaware County~~
 6 **Elkhart County**
 7 Grant County
 8 **Howard County**
 9 Huntington County
 10 ~~Jay County~~
 11 **Kosciusko County**
 12 LaGrange County
 13 **Miami County**
 14 Noble County
 15 Steuben County
 16 Wabash County
 17 Wells County
 18 **Whitley County.**
 19 (4) District 4 consists of the following counties:
 20 ~~Bartholomew County~~
 21 ~~Dearborn County~~
 22 Decatur County
 23 **Delaware County**
 24 Fayette County
 25 Franklin County
 26 Hamilton County
 27 Hancock County
 28 Henry County
 29 **Jay County**
 30 ~~Jennings County~~
 31 Johnson County
 32 Madison County
 33 ~~Ohio County~~
 34 Randolph County
 35 ~~Ripley County~~
 36 Rush County
 37 Shelby County
 38 ~~Switzerland County~~
 39 **Tipton County**
 40 Union County
 41 Wayne County.
 42 (5) District 5 consists of the following counties:



- 1 ~~Clark County~~
 2 Crawford County
 3 Daviess County
 4 Dubois County
 5 ~~Floyd County~~
 6 Gibson County
 7 ~~Harrison County~~
 8 ~~Jackson County~~
 9 ~~Jefferson County~~
 10 Knox County
 11 Lawrence County
 12 Martin County
 13 Orange County
 14 Perry County
 15 Pike County
 16 Posey County
 17 ~~Scott County~~
 18 Spencer County
 19 Vanderburgh County
 20 Warrick County.
 21 ~~Washington County.~~
 22 (6) District 6 consists of the following counties:
 23 Boone County
 24 ~~Brown County~~
 25 Clay County
 26 Clinton County
 27 Fountain County
 28 Greene County
 29 Hendricks County
 30 Monroe County
 31 Montgomery County
 32 Morgan County
 33 Owen County
 34 Parke County
 35 Putnam County
 36 Sullivan County
 37 Tippecanoe County
 38 ~~Tipton County~~
 39 Vermillion County
 40 Vigo County.
 41 ~~Warren County.~~
 42 (7) District 7 consists of the following county:



- 1 Marion County.
- 2 SECTION 8. IC 15-13-1-11, AS ADDED BY P.L.2-2008,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 11. "Fair" refers to the **agricultural** fair held
5 **annually** by the **commission and** board under IC 15-13-7.
- 6 SECTION 9. IC 15-13-1-17 IS REPEALED [EFFECTIVE JULY 1,
7 2019]. Sec. 17: "Trustees" refers to the board of trustees for the barn
8 established by IC 15-13-11-2.
- 9 SECTION 10. IC 15-13-2-2, AS ADDED BY P.L.120-2008,
10 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 2. (a) The commission consists of ~~eight (8)~~ **the**
12 **following** members: **as follows:**
- 13 (1) Five (5) members appointed by the governor.
14 (2) The presiding officer of the board.
15 (3) The director of the Indiana state department of agriculture
16 appointed under IC 15-11-3-1 or the director's designee.
17 ~~(4) The presiding officer of the trustees elected under~~
18 ~~IC 15-13-11-7 or the presiding officer's designee who must be~~
19 ~~selected from the membership of the trustees.~~
20 **(4) The director of the Purdue University cooperative**
21 **extension service or the director's designee.**
22 **(5) A member of the board serving under IC 15-13-5-2(a)(4)**
23 **who is appointed by a majority of the members of the board**
24 **serving under IC 15-13-5-2(a)(5).**
- 25 (b) The chairperson of the advisory committee appointed under
26 IC 15-13-6-2(d) or a member of the advisory committee designated by
27 the chairperson **following** may serve as an *ex officio* nonvoting
28 member **members** of the commission:
- 29 **(1) The chairperson and vice chairperson of the advisory**
30 **committee appointed under IC 15-13-6-2(d).**
31 **(2) A community representative who represents the**
32 **communities near the fairgrounds and is appointed by the**
33 **commission.**
- 34 (c) Not more than
35 ~~(1)~~ one (1) member appointed under subsection (a)(1) may reside
36 in the same district; and
37 ~~(2)~~ three (3) members appointed under subsection (a)(1) may be
38 affiliated with the same political party.
- 39 **(d) Each district is not required to have a member of the**
40 **commission represent it. However, not more than two (2) members**
41 **under subsection (a)(1) may reside in the same district.**



1 ~~(d)~~ (e) Two (2) members appointed under subsection (a)(1) must
2 have a recognized interest in agriculture or agribusiness.

3 SECTION 11. IC 15-13-2-10, AS ADDED BY P.L.2-2008,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 10. (a) The commission shall employ an executive
6 director who is the chief administrative officer of the commission.

7 (b) The executive director shall implement the policies of the
8 commission **and board**.

9 (c) The commission may delegate to the executive director any of
10 the commission's powers. The commission may make a delegation
11 under this subsection by either of the following:

12 (1) A resolution adopted by the commission.

13 (2) A rule adopted by the commission under IC 4-22-2.

14 SECTION 12. IC 15-13-3-3, AS ADDED BY P.L.2-2008,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 3. (a) The commission is ~~responsible for holding~~
17 **and board shall ensure that the fair is held annually**. Holding the fair
18 shall be given priority over all other activities by the commission
19 during the period the fair is held.

20 (b) In addition to holding the fair, the commission may:

21 (1) hold expositions;

22 (2) hold exhibitions; and

23 (3) engage in any other lawful activity that does not interfere with
24 the operation of the fair.

25 SECTION 13. IC 15-13-3-4, AS ADDED BY P.L.2-2008,
26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 4. (a) The commission may do the following:

28 (1) Enter into contracts related to the commission's powers and
29 duties under this article.

30 (2) Receive gifts.

31 (3) Charge admissions.

32 (4) Purchase, lease, and sell real and personal property.

33 (5) Make improvements to the fairgrounds and property owned by
34 the commission.

35 **(b) The commission is responsible for all contracts related to the**
36 **fair.**

37 SECTION 14. IC 15-13-3-9, AS AMENDED BY P.L.20-2011,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 9. At the first meeting each year of the advisory
40 committee, the commission shall report the following:

41 (1) The activities of the commission during the previous calendar
42 year.



1 (2) The financial condition of the commission for the
2 commission's most recently completed fiscal year.

3 (3) The commission's plans for the current calendar year.

4 (4) The activities and financial condition of any nonprofit
5 subsidiary corporation established under section 11 of this chapter
6 for the subsidiary corporation's most recent fiscal year.

7 **(5) The commission's governance policy manual.**

8 **(6) The board's operational manual.**

9 SECTION 15. IC 15-13-5-3.2 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: **Sec. 3.2. (a) As used in this section,**
12 **"appointed member" refers to a board member appointed under**
13 **section 2(a)(4) of this chapter.**

14 **(b) As used in this section, "elected member" refers to a board**
15 **member elected under section 2(a)(5) of this chapter.**

16 **(c) As used in this section, "new district" refers to a district**
17 **defined by IC 15-13-1-10, as in effect after June 30, 2019.**

18 **(d) As used in this section, "old district" refers to a district**
19 **defined by IC 15-13-1-10, as in effect before July 1, 2019.**

20 **(e) Notwithstanding any other provision of this chapter, the**
21 **following apply after June 30, 2019:**

22 **(1) The appointed member from an old district serves as the**
23 **appointed member from the new district until the term of the**
24 **member expires.**

25 **(2) The elected member from an old district serves as the**
26 **elected member from the new district until the next scheduled**
27 **election in the new district to elect a new member.**

28 **(f) The successors of the appointed and elected members**
29 **described in this chapter shall be appointed or elected as otherwise**
30 **provided in this chapter.**

31 **(g) This section expires January 1, 2026.**

32 SECTION 16. IC 15-13-5-5.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. The board shall establish**
35 **standing committees to assist with planning the fair with the**
36 **assistance of staff. Committees related to the following activities**
37 **are required:**

38 **(1) Livestock and competitive events.**

39 **(2) Fundraising and youth development.**

40 **(3) County fair engagement.**

41 **(4) Any other committee established by the board.**



1 SECTION 17. IC 15-13-5-10, AS ADDED BY P.L.120-2008,
 2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 10. (a) Subject to sections 11 through 13 of this
 4 chapter, the director of the Indiana state department of agriculture shall
 5 certify an organization that applies under section 9 of this chapter as
 6 eligible to vote in a district election under this chapter only if the
 7 organization:

8 (1) is an agricultural interest, **including an agricultural youth or**
 9 **agricultural educational interest that is regularly organized**
 10 **in the state and that represents, supports, or promotes the**
 11 **career, educational, and leadership development of Indiana**
 12 **youth;**

13 (2) is regularly organized within the ~~district;~~ **state;**

14 (3) has at least ten (10) active members;

15 (4) has elected officers;

16 ~~(5) has an annual meeting;~~

17 ~~(6)~~ **(5)** has been in existence for at least one (1) year before the
 18 application for certification is filed with the director of the
 19 Indiana state department of agriculture; and

20 ~~(7)~~ **(6)** before July 1 of the year of the election in which the
 21 organization wants to participate, files with the director of the
 22 Indiana state department of agriculture:

23 (A) the name of the organization;

24 (B) the names and addresses of the organization's officers;

25 (C) the name, address, and title of the individual who is
 26 authorized by the organization to vote for the organization in
 27 an election under this chapter;

28 (D) the number of the organization's active members;

29 (E) a certification that the organization is eligible to be
 30 certified under this chapter; and

31 (F) other information required by the director of the Indiana
 32 state department of agriculture.

33 (b) A certification under subsection (a) expires July 1 of the fourth
 34 year after the certification is issued by the director of the Indiana state
 35 department of agriculture.

36 **(c) Any organization organized on a statewide basis may cast a**
 37 **vote in any district election, unless the statewide organization**
 38 **certifies at least one (1) affiliated district or county organization**
 39 **for the same election.**

40 **(d) The Indiana state department of agriculture shall maintain**
 41 **on the department's Internet web site a list of organizations,**



1 **coordinated by district, that are certified to vote in the previous**
 2 **and next district election.**

3 SECTION 18. IC 15-13-5-16, AS ADDED BY P.L.120-2008,
 4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 16. (a) The director of the Indiana state
 6 department of agriculture ~~shall choose from among the members of the~~
 7 ~~commission the individual to~~ **or an employee of the department**
 8 **designated by the director shall** preside at a district convention.

9 (b) The presiding officer of the convention may vote in the case of
 10 a tie vote on any matter.

11 SECTION 19. IC 15-13-5-17, AS ADDED BY P.L.2-2008,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 17. (a) During September before the term of a
 14 member representing a district expires, the individuals designated
 15 under section ~~10(a)(7)(C)~~ **10(a)(6)(C)** of this chapter for each
 16 organization certified under section 10 of this chapter for the district
 17 shall meet in a district convention to elect the member's successor.

18 (b) Voting under subsection (a) is by ~~voice concurrent with~~
 19 the submission of a ~~signed~~ **secret** written ballot by each person voting
 20 indicating the person's vote.

21 SECTION 20. IC 15-13-5-22, AS ADDED BY P.L.2-2008,
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 22. (a) The presiding officer of a district
 24 convention shall certify the results of the election under section 21 of
 25 this chapter to the commission and to the board.

26 (b) **Each individual who is nominated at the district convention**
 27 **to be a candidate for the member representing the district may**
 28 **appoint an individual who has not been nominated to be an**
 29 **observer to the counting of the ballots. However, if the candidate**
 30 **does not appoint an observer, the individual who nominated the**
 31 **candidate shall serve as the candidate's observer, unless the**
 32 **individual has been nominated as a candidate.**

33 (c) **An observer may observe the counting of the ballots but may**
 34 **not participate in the counting or recording of the ballots.**

35 (d) **The department shall destroy each ballot submitted under**
 36 **section 17 of this chapter after the results of the election have been**
 37 **certified in accordance with subsection (a). However, after the**
 38 **results of the election have been certified in accordance with**
 39 **subsection (a), the department may not destroy the tally papers.**

40 SECTION 21. IC 15-13-6-4, AS ADDED BY P.L.2-2008,
 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 4. The advisory committee shall do the following:



- 1 (1) Serve as a liaison between the:
 2 (A) commission;
 3 ~~(B) board of trustees of the barn;~~
 4 ~~(C) (B) board;~~ and
 5 ~~(D) (C) general assembly.~~
- 6 (2) Review policies affecting the activities of the:
 7 (A) commission;
 8 ~~(B) barn;~~
 9 ~~(C) (B) state fair;~~
 10 ~~(D) (C) facilities at the fairgrounds;~~ and
 11 ~~(E) (D) property owned by the commission.~~
- 12 (3) Provide long range guidance for the:
 13 (A) commission; **and**
 14 ~~(B) board of trustees of the barn;~~ and
 15 ~~(C) (B) board.~~
- 16 (4) Review annually the:
 17 (A) commission's; **and**
 18 ~~(B) board of trustees of the barn's;~~ and
 19 ~~(C) (B) board's;~~
 20 budgets and other accounts and report financial conditions to the
 21 legislative council. A report under this subdivision to the
 22 legislative council must be in electronic format under IC 5-14-6.
- 23 (5) Further advise the budget committee regarding appropriations
 24 and other financial matters concerning the:
 25 (A) commission; **and**
 26 ~~(B) board of trustees of the barn;~~ and
 27 ~~(C) (B) board.~~
- 28 (6) Propose, review, and make recommendations concerning
 29 legislation affecting the:
 30 (A) commission; **and**
 31 ~~(B) barn;~~ and
 32 ~~(C) (B) board.~~
- 33 SECTION 22. IC 15-13-6-5, AS AMENDED BY P.L.53-2014,
 34 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) As requested by the advisory
 36 committee, the:
 37 (1) commission; **or**
 38 (2) board; **or**
 39 ~~(3) board of trustees of the barn;~~
 40 shall provide to the advisory committee information relating to the
 41 operation of each, respectively.



1 (b) The department of agriculture shall provide staff for the advisory
2 committee.

3 SECTION 23. IC 15-13-7-1, AS ADDED BY P.L.2-2008,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 1. (a) The **commission and** board shall hold one
6 (1) state agricultural fair each year. The fair must emphasize
7 agriculture and agribusiness.

8 (b) **The commission is responsible for the following:**

- 9 (1) **Personnel.**
10 (2) **Management of the facilities.**
11 (3) **Contracts and contract procedures.**
12 (4) **All fiduciary responsibilities.**

13 (c) **The board is responsible for the following:**

- 14 (1) **Committees established under IC 15-13-5-5.5 to assist with**
15 **planning the fair.**
16 (2) **Approving the annual premium books for the fair that set**
17 **forth the general terms and conditions, schedule, loading and**
18 **unloading of livestock, qualifications, animal testing, breed**
19 **specific terms and conditions, entry fees, and premiums for all**
20 **fair exhibits and judges.**
21 (3) **Advising on matters related to agriculture and livestock,**
22 **including department staffing and judges.**
23 (4) **Approving breed champions to be included in the**
24 **celebration of champions, and establishing the formula for**
25 **determining monetary awards, based on recommendations of**
26 **the Indiana State Fair Foundation.**
27 (5) **Approving future dates of the fair.**
28 (6) **Fundraising to support youth development.**
29 (7) **Advocating for the fair within the community.**
30 (8) **Participating in the commission's strategic planning**
31 **process.**

32 (d) **The board:**

- 33 (1) **shall assign a delegated board member to a committee of**
34 **the board; and**
35 (2) **may assign a delegated board member to at least one (1)**
36 **department during the fair.**

37 **With the assistance of staff, the delegated board member is**
38 **responsible for compliance with the terms and conditions**
39 **established by the board within the delegated board member's**
40 **department during the fair.**

41 (e) **The board shall provide a list of recommendations to the**
42 **commission concerning the hiring of judges for livestock and**



1 **competitive events during the fair. The commission may use the**
 2 **recommendations provided by the board to hire judges for**
 3 **livestock and competitive events during the fair.**

4 SECTION 24. IC 15-13-7-2, AS ADDED BY P.L.2-2008,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 2. In holding the fair, **the commission and the**
 7 **board is are** subject to the policies of the commission.

8 SECTION 25. IC 15-13-11 IS REPEALED [EFFECTIVE JULY 1,
 9 2019]. (Center for Agricultural Science and Heritage).

10 SECTION 26. IC 15-13-12 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]:

13 **Chapter 12. Committee for Agricultural Science and Heritage**

14 **Sec. 1. As used in this chapter, "committee" refers to the**
 15 **committee for agricultural science and heritage established by**
 16 **section 2 of this chapter.**

17 **Sec. 2. The committee for agricultural science and heritage is**
 18 **established.**

19 **Sec. 3. The committee shall provide the commission with advice**
 20 **concerning agricultural education matters.**

21 **Sec. 4. (a) The committee consists of the following members:**

22 **(1) The director of the Purdue University cooperative**
 23 **extension service, who shall serve as chairperson of the**
 24 **committee.**

25 **(2) Two (2) members of the commission, appointed by the**
 26 **chairperson of the commission.**

27 **(3) Two (2) members of the board, appointed by the presiding**
 28 **officer of the board.**

29 **(4) Agricultural and educational professionals, jointly**
 30 **appointed by the chairperson of the committee and the**
 31 **chairperson of the commission.**

32 **(b) Members appointed under this section serve at the pleasure**
 33 **of the appointing authority.**

34 **Sec. 5. The committee shall meet not less than one (1) time per**
 35 **year.**

36 SECTION 27. IC 34-13-3-2, AS AMENDED BY P.L.198-2016,
 37 SECTION 666, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 2. This chapter applies to a claim
 39 or suit in tort against any of the following:

40 **(1) A member of the bureau of motor vehicles commission board**
 41 **established under IC 9-14-9-2.**

42 **(2) An employee of the bureau of motor vehicles commission.**



- 1 (3) A member of the driver education advisory board established
- 2 by IC 9-27-6-5.
- 3 (4) An approved postsecondary educational institution (as defined
- 4 in IC 21-7-13-6(a)(1)), or an association acting on behalf of an
- 5 approved postsecondary educational institution, that:
- 6 (A) shares data with the commission for higher education
- 7 under IC 21-12-12-1; and
- 8 (B) is named as a defendant in a claim or suit in tort based on
- 9 any breach of the confidentiality of the data that occurs after
- 10 the institution has transmitted the data in compliance with
- 11 IC 21-12-12-1.
- 12 **(5) The state fair commission established by IC 15-13-2-1.**
- 13 **(6) A member of the state fair commission established by**
- 14 **IC 15-13-2-1 or an employee of the state fair commission.**
- 15 **(7) The state fair board established by IC 15-13-5-1.**
- 16 **(8) A member of the state fair board established by**
- 17 **IC 15-13-5-1.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1638, 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 4, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 1. IC 15-13-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.5. "Delegated board member" means a member of the board serving under IC 15-13-5-2(a)(4) or IC 15-13-5-2(a)(5) who has been assigned a department by the board.**"

Page 8, between lines 16 and 17, begin a new line block indented and insert:

"(5) A member of the board serving under IC 15-13-5-2(a)(4) who is appointed by a majority of the members of the board serving under IC 15-13-5-2(a)(5)."

Page 8, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 10. IC 15-13-2-10, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The commission shall employ an executive director who is the chief administrative officer of the commission.

(b) The executive director shall implement the policies of the commission **and board**.

(c) The commission may delegate to the executive director any of the commission's powers. The commission may make a delegation under this subsection by either of the following:

- (1) A resolution adopted by the commission.
- (2) A rule adopted by the commission under IC 4-22-2."

Page 8, line 39, before "shall ensure" insert "**and board**".

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 12. IC 15-13-3-4, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. **(a)** The commission may do the following:

- (1) Enter into contracts related to the commission's powers and duties under this article.
- (2) Receive gifts.
- (3) Charge admissions.
- (4) Purchase, lease, and sell real and personal property.
- (5) Make improvements to the fairgrounds and property owned by the commission.



(b) The commission is responsible for all contracts related to the fair."

Page 10, line 4, delete "fair." and insert "**fair with the assistance of staff."**

Page 11, line 6, delete "an" and insert "**at least one (1)**".

Page 11, between lines 7 and 8, begin a new paragraph and insert:

"(d) The Indiana state department of agriculture shall maintain on the department's Internet web site a list of organizations, coordinated by district, that are certified to vote in the previous and next district election."

Page 13, delete lines 20 through 23, begin a new line block indented and insert:

"(2) Approving the annual premium books for the fair that set forth the general terms and conditions, schedule, loading and unloading of livestock, qualifications, animal testing, breed specific terms and conditions, entry fees, and premiums for all fair exhibits and judges.

(3) Advising on matters related to agriculture and livestock, including department staffing and judges.

(4) Approving breed champions to be included in the celebration of champions, and establishing the formula for determining monetary awards, based on recommendations of the Indiana State Fair Foundation.

(5) Approving future dates of the fair.

(6) Fundraising to support youth development.

(7) Advocating for the fair within the community.

(8) Participating in the commission's strategic planning process.

(d) The board shall assign each delegated board member to at least one (1) department during the fair. With the assistance of staff, the delegated board member is responsible for issues involving judging and exhibitions within the delegated board member's department during the fair.

(e) The board, in consultation with each delegated board member, shall provide a list of recommendations to the commission concerning the hiring of staff and judges for livestock and competitive events during the fair. The commission shall use the



recommendations provided by the board to hire staff and judges for livestock and competitive events during the fair."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1638 as introduced.)

LEHE

Committee Vote: yeas 11, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1638 be amended to read as follows:

Page 14, delete lines 32 through 42, begin a new paragraph and insert:

"(d) The board:

(1) shall assign a delegated board member to a committee of the board; and

(2) may assign a delegated board member to at least one (1) department during the fair.

With the assistance of staff, the delegated board member is responsible for compliance with the terms and conditions established by the board within the delegated board member's department during the fair.

(e) The board shall provide a list of recommendations to the commission concerning the hiring of judges for livestock and competitive events during the fair. The commission may use the recommendations provided by the board to hire judges for livestock and competitive events during the fair."

(Reference is to HB 1638 as printed February 8, 2019.)

LEHE



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred House Bill No. 1638, 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 10, line 18, delete "section" and insert "**section**".

and when so amended that said bill do pass.

(Reference is to HB 1638 as reprinted February 19, 2019.)

LEISING, Chairperson

Committee Vote: Yeas 8, Nays 0.

