



March 26, 2019

ENGROSSED SENATE BILL No. 529

DIGEST OF SB 529 (Updated March 21, 2019 10:09 am - DI 77)

Citations Affected: IC 36-1.

Synopsis: Agricultural matters. Provides that a county, city, town, or township may not adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting the establishment or maintenance of beekeeping, raising chickens, or composting on property that the person owns, rents, or leases.

Effective: July 1, 2019.

Grooms, Crider, Garten

(HOUSE SPONSORS — CLERE, LEHE, GOODIN, DAVISSON)

January 14, 2019, read first time and referred to Committee on Agriculture.
February 18, 2019, amended, reported favorably — Do Pass.
February 21, 2019, read second time, ordered engrossed. Engrossed.
February 25, 2019, read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Agriculture and Rural Development.
March 25, 2019, amended, reported — Do Pass.

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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 SENATE BILL No. 529

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

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

1 SECTION 1. IC 36-1-28 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:

4 **Chapter 28. Ordinances that Affect Agriculture**

5 **Sec. 1. (a) Except as provided in subsection (b) and**
6 **notwithstanding any other law, a unit may not adopt or continue**
7 **in effect any ordinance, rule, regulation, or resolution that**
8 **prohibits a person from beekeeping on property that the person**
9 **owns, rents, or leases.**

10 **(b) A unit may adopt an ordinance, rule, regulation, or**
11 **resolution that regulates beekeeping:**

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

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

16 **Sec. 2. (a) Except as provided in subsection (b), a unit may not**
17 **adopt or continue in effect an ordinance, rule, regulation, or**

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1 resolution that prohibits a person from raising chickens on
2 property that the person owns, rents, or leases.

3 (b) A unit may adopt an ordinance, rule, regulation, or
4 resolution that regulates chickens concerning the number of
5 chickens a person may own and the location of chicken housing on
6 the property.

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

9 (b) Except as provided in subsection (c), a unit may not adopt or
10 continue in effect an ordinance, rule, regulation, or resolution that
11 prohibits a person from composting vegetative matter and other
12 types of organic material that are generated by the person's
13 activities on property that the person owns, rents, or leases.

14 (c) A unit may adopt an ordinance, rule, regulation, or
15 resolution that regulates composting vegetative matter and other
16 types of organic material that are generated by the person's
17 activities concerning the maximum composting area a person may
18 operate and the location of the composting on the property.



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 529, 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, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 14-24-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. (a) Except as provided in subsection (b) and notwithstanding any other law, a unit (as defined in IC 36-1-2-23) shall not adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting the establishment or maintenance of honeybees and hives.**

(b) This section shall not be construed to restrict the zoning authority of a unit (as defined in IC 36-1-2-23) regarding honeybees and hives."

and when so amended that said bill do pass.

(Reference is to SB 529 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 5, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 529, 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 local government.

Page 1, line 1, delete "IC 14-24-8-0.5" and insert "IC 36-1-28".

Page 1, line 2, delete "SECTION" and insert "CHAPTER".

Page 1, line 3, delete "Sec. 0.5.", begin a new paragraph and insert:

"Chapter 28. Ordinances that Affect Agriculture

Sec. 1."

Page 1, line 4, delete "(as defined in IC 36-1-2-23)".

Page 1, line 5, delete "shall" and insert "**may**".

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Page 1, line 6, delete "prohibiting the establishment or" and insert "that prohibits a person from beekeeping on property that the person owns, rents, or leases."

(b) A unit may adopt an ordinance, rule, regulation, or resolution that regulates beekeeping:

- (1) concerning the number of active bee 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 or continue in effect an ordinance, rule, regulation, or resolution that prohibits a person from raising chickens on property that the person owns, rents, or leases.

(b) A unit may adopt an ordinance, rule, regulation, or resolution that regulates chickens concerning the number of chickens a person may own and the location of chicken housing 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 or continue in effect an ordinance, rule, regulation, or resolution 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, rule, regulation, or resolution 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."

Page 1, delete lines 7 through 10.

and when so amended that said bill do pass.

(Reference is to SB 529 as printed February 19, 2019.)

LEHE

Committee Vote: yeas 11, nays 0.

