



February 18, 2005

HOUSE BILL No. 1008

DIGEST OF HB 1008 (Updated February 7, 2005 1:31 pm - DI 84)

Citations Affected: IC 4-4; IC 15-7; IC 15-9; noncode.

Synopsis: Department of agriculture; office of rural affairs. Provides that the lieutenant governor is the secretary of agriculture and rural development. Establishes the office of rural affairs. Establishes the department of agriculture. Transfers the functions of various state agencies relating to agriculture to the department of agriculture.

Effective: Upon passage.

Gutwein, Bischoff, Heim, Borders

January 19, 2005, read first time and referred to Committee on Agriculture and Rural Development.
February 17, 2005, amended, reported — Do Pass.

C
O
P
Y

HB 1008—LS 7948/DI 75+



February 18, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1008

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

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

1 SECTION 1. IC 4-4-2.3 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 2.3. Lieutenant Governor as Secretary of Agriculture**
5 **and Rural Development**

6 **Sec. 1. The lieutenant governor serves as secretary of**
7 **agriculture and rural development by virtue of office.**

8 **Sec. 2. The secretary is responsible for implementation of the**
9 **following:**

10 (1) IC 4-4-9.7.

11 (2) IC 15-9.

12 SECTION 2. IC 4-4-3-8, AS AMENDED BY P.L.28-2004,
13 SECTION 23, AND AS AMENDED BY P.L.73-2004, SECTION 1, IS
14 CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The department shall
16 develop and promote programs designed to make the best use of the
17 resources of the state so as to assure a balanced economy and

HB 1008—LS 7948/DI 75+



1 continuing economic growth for Indiana and for those purposes may do
 2 the following:

3 (1) Cooperate with federal, state, and local governments and
 4 agencies in the coordination of programs to make the best use of
 5 the resources of the state.

6 (2) Receive and expend all funds, grants, gifts, and contributions
 7 of money, property, labor, interest accrued from loans made by
 8 the department, and other things of value from public and private
 9 sources, including grants from agencies and instrumentalities of
 10 the state and the federal government. The department:

11 (A) may accept federal grants for providing planning
 12 assistance, making grants, or providing other services or
 13 functions necessary to political subdivisions, planning
 14 commissions, or other public or private organizations;

15 (B) shall administer these grants in accordance with their
 16 terms; and

17 (C) may contract with political subdivisions, planning
 18 commissions, or other public or private organizations to carry
 19 out the purposes for which the grants were made.

20 (3) Direct that assistance, information, and advice regarding the
 21 duties and functions of the department be given the department by
 22 any officer, agent, or employee of the state. The head of any other
 23 state department or agency may assign one (1) or more of the
 24 department's or agency's employees to the department on a
 25 temporary basis, or may direct any division or agency under the
 26 department's or agency's supervision and control to make any
 27 special study or survey requested by the director.

28 (b) The department shall perform the following duties:

29 (1) Disseminate information concerning the industrial,
 30 commercial, governmental, educational, cultural, recreational,
 31 agricultural, and other advantages of Indiana.

32 (2) Plan, direct, and conduct research activities.

33 (3) Develop and implement industrial development programs to
 34 encourage expansion of existing industrial, commercial, and
 35 business facilities within Indiana and to encourage new industrial,
 36 commercial, and business locations within Indiana.

37 (4) Assist businesses and industries in acquiring, improving, and
 38 developing overseas markets and encourage international plant
 39 locations within Indiana. The director, with the approval of the
 40 governor, may establish foreign offices to assist in this function.

41 (5) Promote the growth of minority business enterprises by doing
 42 the following:

COPY



- 1 (A) Mobilizing and coordinating the activities, resources, and
- 2 efforts of governmental and private agencies, businesses, trade
- 3 associations, institutions, and individuals.
- 4 (B) Assisting minority businesses in obtaining governmental
- 5 or commercial financing for expansion, establishment of new
- 6 businesses, or individual development projects.
- 7 (C) Aiding minority businesses in procuring contracts from
- 8 governmental or private sources, or both.
- 9 (D) Providing technical, managerial, and counseling assistance
- 10 to minority business enterprises.
- 11 (6) Assist in community economic development planning and the
- 12 implementation of programs designed to further this development.
- 13 (7) Assist in the development and promotion of Indiana's tourist
- 14 resources, facilities, attractions, and activities.
- 15 (8) Assist in the promotion and marketing of Indiana's agricultural
- 16 products, and provide staff assistance to the director in fulfilling
- 17 the director's responsibilities as commissioner of agriculture.
- 18 (9) Perform the following energy related functions:
- 19 (A) Assist in the development and promotion of alternative
- 20 energy resources, including Indiana coal, oil shale,
- 21 hydropower, solar, wind, geothermal, and biomass resources.
- 22 (B) Encourage the conservation and efficient use of energy,
- 23 including energy use in commercial, industrial, residential,
- 24 governmental, agricultural, transportation, recreational, and
- 25 educational sectors.
- 26 (C) Assist in energy emergency preparedness.
- 27 (D) *Not later than January 1, 1994*, Establish:
- 28 (i) specific goals for increased energy efficiency in the
- 29 operations of state government and for the use of alternative
- 30 fuels in vehicles owned by the state; and
- 31 (ii) guidelines for achieving the goals established under item
- 32 (i).
- 33 (E) Establish procedures for state agencies to use in reporting
- 34 to the department on energy issues.
- 35 (F) Carry out studies, research projects, and other activities
- 36 required to:
- 37 (i) assess the nature and extent of energy resources required
- 38 to meet the needs of the state, including coal and other fossil
- 39 fuels, alcohol fuels produced from agricultural and forest
- 40 products and resources, renewable energy, and other energy
- 41 resources;
- 42 (ii) promote cooperation among government, utilities,

COPY



- 1 industry, institutions of higher education, consumers, and all
 2 other parties interested in energy and recycling market
 3 development issues; and
 4 (iii) promote the dissemination of information concerning
 5 energy and recycling market development issues.
- 6 (10) Implement any federal program delegated to the state to
 7 effectuate the purposes of this chapter.
- 8 (11) Promote the growth of small businesses by doing the
 9 following:
- 10 (A) Assisting small businesses in obtaining and preparing the
 11 permits required to conduct business in Indiana.
- 12 (B) Serving as a liaison between small businesses and state
 13 agencies.
- 14 (C) Providing information concerning business assistance
 15 programs available through government agencies and private
 16 sources.
- 17 ~~(12) Assist the Indiana commission for agriculture and rural~~
 18 ~~development in performing its functions under IC 4-4-22.~~
- 19 ~~(13)~~ **(12)** Develop and promote markets for the following
 20 recyclable items:
- 21 (A) Aluminum containers.
- 22 (B) Corrugated paper.
- 23 (C) Glass containers.
- 24 (D) Magazines.
- 25 (E) Steel containers.
- 26 (F) Newspapers.
- 27 (G) Office waste paper.
- 28 (H) Plastic containers.
- 29 (I) Foam polystyrene packaging.
- 30 (J) Containers for carbonated or malt beverages that are
 31 primarily made of a combination of steel and aluminum.
- 32 ~~(14)~~ **(13)** Produce an annual recycled products guide and at least
 33 one (1) time each year distribute the guide to the following:
- 34 (A) State agencies.
- 35 (B) The judicial department of state government.
- 36 (C) The legislative department of state government.
- 37 (D) State educational institutions (as defined in
 38 IC 20-12-0.5-1).
- 39 (E) Political subdivisions (as defined in IC 36-1-2-13).
- 40 (F) Bodies corporate and politic created by statute.
- 41 A recycled products guide distributed under this subdivision must
 42 include a description of supplies and other products that contain

C
O
P
Y



1 recycled material and information concerning the availability of
 2 the supplies and products.
 3 ~~(15)~~ **(14)** *Beginning July 1, 2005, the department shall identify,*
 4 *promote, assist, and fund home ownership education programs*
 5 *conducted throughout Indiana by nonprofit counseling agencies*
 6 *certified by the department using funds appropriated under*
 7 *IC 4-4-3-23(e). The department shall adopt rules under IC 4-22-2*
 8 *governing certification procedures and counseling requirements*
 9 *for nonprofit home ownership counselors. The attorney general*
 10 *and the entities listed in IC 4-6-12-4(a)(1) through*
 11 *IC 4-6-12-4(a)(10) shall cooperate with the department in*
 12 *implementing this subdivision.*

13 (c) The department shall submit a report *in an electronic format*
 14 *under IC 5-14-6* to the general assembly before October 1 of each year
 15 concerning the availability of and location of markets for recycled
 16 products in Indiana. The report must include the following:

- 17 (1) A priority listing of recyclable materials to be targeted for
 18 market development. The listing must be based on an examination
 19 of the need and opportunities for the marketing of the following:
 20 (A) Paper.
 21 (B) Glass.
 22 (C) Aluminum containers.
 23 (D) Steel containers.
 24 (E) Bi-metal containers.
 25 (F) Glass containers.
 26 (G) Plastic containers.
 27 (H) Landscape waste.
 28 (I) Construction materials.
 29 (J) Waste oil.
 30 (K) Waste tires.
 31 (L) Coal combustion wastes.
 32 (M) Other materials.

- 33 (2) A presentation of a market development strategy that:
 34 (A) considers the specific material marketing needs of Indiana;
 35 and
 36 (B) makes recommendations for legislative action.
- 37 (3) An analysis that examines the cost and effectiveness of future
 38 market development options.

39 SECTION 3. IC 4-4-9-1 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE UPON PASSAGE]; Sec. 1. As used in this chapter:

41 "Director" ~~means the lieutenant governor, who is also the director~~
 42 ~~of the department of commerce.~~ **refers to the director of the office of**

C
 o
 p
 y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

rural affairs appointed under IC 4-4-9.7-5.

"Qualified entity" means a city or town with a population of less than ten thousand (10,000) persons, a corporation established under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 for the purpose of distributing water for domestic and industrial use, a regional water, sewage, or solid waste district, or a conservancy district that includes in its purpose the distribution of domestic water or the collection and treatment of waste.

"Rural development program" means any program designed to aid the growth of rural areas in Indiana and includes:

- (1) the construction of airports, airport facilities, and tourist attractions;
- (2) the construction, extension or completion of sewerlines, waterlines, streets, and sidewalks;
- (3) the leasing or purchase of property, both real and personal; and
- (4) the preparation of surveys, plans, and specifications for the construction of publicly owned and operated facilities, utilities, and services.

SECTION 4. IC 4-4-9.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The rural development administration fund is established for the purpose of enhancing and developing rural communities. The fund shall be administered by the ~~Indiana office of rural development council~~: **affairs established by IC 4-4-9.7-4.**

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 5. IC 4-4-9.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The rural development administration advisory board is established to make recommendations concerning the expenditure of money from the fund.

(b) The advisory board shall meet at least four (4) times per year and shall also meet at the call of the executive director of the rural development council.

C
o
p
y



- 1 (c) The advisory board consists of the following members:
- 2 (1) The executive director of the Indiana rural development
- 3 council, who serves as an ex officio member and as the
- 4 chairperson of the advisory board.
- 5 (2) Two (2) members of the senate, who may not be members of
- 6 the same political party, and who are appointed by the president
- 7 pro tempore of the senate.
- 8 (3) Two (2) members of the house of representatives, who may
- 9 not be members of the same political party, and who are
- 10 appointed by the speaker of the house of representatives.
- 11 (4) A representative of the ~~commissioner~~ **secretary** of agriculture
- 12 **and rural development**, to be appointed by the governor.
- 13 (5) A representative of the department of commerce, to be
- 14 appointed by the governor.
- 15 (6) A representative of the department of workforce development,
- 16 to be appointed by the governor.
- 17 (7) Two (2) persons with knowledge and experience in state and
- 18 regional economic needs, to be appointed by the governor.
- 19 (8) A representative of a local rural economic development
- 20 organization, to be appointed by the governor.
- 21 (9) A representative of a small town or rural community, to be
- 22 appointed by the governor.
- 23 (10) A representative of the rural development council, to be
- 24 appointed by the governor.
- 25 (11) A representative of rural education, to be appointed by the
- 26 governor.
- 27 (12) A representative of the league of regional conservation and
- 28 development districts, to be appointed by the governor.
- 29 (13) A person currently enrolled in rural secondary education, to
- 30 be appointed by the governor.
- 31 (d) The members of the advisory board listed in subsection (c)(1)
- 32 through (c)(3) are nonvoting members.
- 33 (e) The term of office of a legislative member of the advisory board
- 34 is four (4) years. However, a legislative member of the advisory board
- 35 ceases to be a member if the member:
- 36 (1) is no longer a member of the chamber from which the member
- 37 was appointed; or
- 38 (2) is removed from the advisory board by the appointing
- 39 authority who appointed the legislator.
- 40 (f) The term of office of a voting member of the advisory board is
- 41 four (4) years. However, these members serve at the pleasure of the
- 42 governor and may be removed for any reason.

C
O
P
Y



1 (g) If a vacancy exists on the advisory board, the appointing
2 authority who appointed the former member whose position has
3 become vacant shall appoint an individual to fill the vacancy for the
4 balance of the unexpired term.

5 (h) Six (6) voting members of the advisory board constitute a
6 quorum for the transaction of business at a meeting of the advisory
7 board. The affirmative vote of at least six (6) voting members is
8 necessary for the advisory board to take action.

9 SECTION 6. IC 4-4-9.7 IS ADDED TO THE INDIANA CODE AS
10 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
11 PASSAGE]:

12 **Chapter 9.7. Office of Rural Affairs**

13 **Sec. 1. As used in this chapter, "director" refers to the director**
14 **of the office of rural affairs appointed under section 5 of this**
15 **chapter.**

16 **Sec. 2. As used in this chapter, "office" refers to the office of**
17 **rural affairs established by section 4 of this chapter.**

18 **Sec. 3. As used in this chapter, "secretary" refers to the**
19 **lieutenant governor as secretary of agriculture and rural**
20 **development, as provided in IC 4-4-2.3.**

21 **Sec. 4. The office of rural affairs is established.**

22 **Sec. 5. (a) The secretary shall appoint an individual to be the**
23 **director of the office.**

24 **(b) The director:**

25 **(1) serves at the secretary's pleasure;**

26 **(2) is entitled to receive compensation in an amount set by the**
27 **secretary subject to the approval of the budget agency under**
28 **IC 4-12-1-13; and**

29 **(3) is responsible to the secretary.**

30 **(c) The director is the chief executive and administrative officer**
31 **of the office.**

32 **(d) The director may appoint employees in the manner provided**
33 **by IC 4-15-2 and fix their compensation, subject to the approval of**
34 **the budget agency under IC 4-12-1-13.**

35 **(e) The director may delegate the director's authority to the**
36 **appropriate office staff.**

37 **Sec. 6. The office shall do the following:**

38 **(1) Administer the rural development fund under IC 4-4-9.**

39 **(2) Administer the rural development administration fund**
40 **under IC 4-4-9.3.**

41 **(3) Provide administrative and staff support for the Indiana**
42 **rural development council under IC 4-4-9.5.**

C
O
P
Y



1 (4) Administer the Indiana main street program under
2 IC 4-4-16.

3 (5) Administer the community focus fund and the community
4 focus fund planning grant.

5 (6) Administer the duties of the high speed communications
6 director.

7 SECTION 7. IC 4-4-16-1 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Indiana main street
9 program is established to:

10 (1) encourage the economic development, redevelopment, and
11 improvement of downtown areas in Indiana cities and towns in all
12 geographic regions of the state;

13 (2) sponsor demonstration efforts in Indiana cities and towns in
14 all geographic regions of the state; and

15 (3) provide technical assistance and sponsor seminars and other
16 educational programs on downtown area revitalization,
17 development, and redevelopment.

18 (b) The program shall be administered by the ~~department of~~
19 ~~commerce:~~ **office of rural affairs.**

20 SECTION 8. IC 4-4-16-2 IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana main street
22 council is established. The council consists of:

23 (1) the ~~lieutenant governor~~ **secretary of agriculture and rural**
24 **development** or a person designated by the ~~lieutenant governor;~~
25 **secretary**, who shall serve as chairman; and

26 (2) at least seven (7) but not more than ten (10) persons appointed
27 by the ~~lieutenant governor;~~ **secretary**, who represent
28 organizations concerned with the purposes of the program
29 established by this chapter and who represent all geographic
30 regions of the state.

31 (b) Members appointed to the council by the ~~lieutenant governor~~
32 **secretary** shall serve for a term of three (3) years, beginning on July 1
33 after their appointment. However, a member appointed to fill a vacancy
34 on the council shall serve for the remainder of the unexpired term.

35 (c) The council shall:

- 36 (1) develop and direct policy;
- 37 (2) coordinate administrative techniques; and
- 38 (3) provide assistance;

39 to carry out the purposes of the Indiana main street program.

40 (d) Each member of the council who is not a state employee is
41 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
42 Each member is entitled to reimbursement for traveling expenses and

C
o
p
y



1 other expenses actually incurred in connection with the member's
2 duties, as provided in the state travel policies and procedures
3 established by the department of administration and approved by the
4 state budget agency.

5 SECTION 9. IC 4-4-16-3 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 3. To carry out the purposes
7 described in section 1 of this chapter, the ~~department~~ **office** of
8 ~~commerce, rural affairs~~, acting for and on behalf of the Indiana main
9 street council and the Indiana main street program, may:

- 10 (1) execute contractual agreements;
- 11 (2) receive money from any source;
- 12 (3) expend money for an activity appropriate to the purposes of
13 this chapter; and
- 14 (4) execute agreements and cooperate with:
 - 15 (A) any other state or federal department or agency;
 - 16 (B) **Indiana** political subdivisions; ~~of the state~~; or
 - 17 (C) any private person or corporation.

18 SECTION 10. IC 15-7-9-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
20 chapter, "assistant commissioner" refers to the ~~assistant commissioner~~
21 **director** of the **department** of agriculture appointed under
22 ~~IC 4-4-22-20. IC 15-9-3-1.~~

23 SECTION 11. IC 15-9 IS ADDED TO THE INDIANA CODE AS
24 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
25 PASSAGE]:

26 **ARTICLE 9. DEPARTMENT OF AGRICULTURE**

27 **Chapter 1. Definitions**

28 **Sec. 1. The definitions in this chapter apply throughout this**
29 **article.**

30 **Sec. 2. "Department" refers to the department of agriculture**
31 **established by IC 15-9-2-1.**

32 **Sec. 3. "Director" refers to the director of the department of**
33 **agriculture appointed under IC 15-9-3-1.**

34 **Sec. 4. "Secretary" refers to the lieutenant governor as**
35 **secretary of agriculture and rural development as provided in**
36 **IC 4-4-2.3.**

37 **Chapter 2. Establishment of the Department**

38 **Sec. 1. The department of agriculture is established.**

39 **Sec. 2. The director is the chief executive and administrative**
40 **officer of the department.**

41 **Sec. 3. The department shall do the following:**

- 42 (1) **Provide administrative and staff support for the following:**

C
O
P
Y



- 1 (A) The center for value added research.
- 2 (B) The state fair board for purposes of administering the
- 3 commissioner of agriculture's duties under IC 15-1.5-4.
- 4 (C) The Indiana corn marketing council.
- 5 (D) The Indiana organic peer review panel.
- 6 (E) The Indiana dairy industry development board.
- 7 (F) The Indiana land resources council.
- 8 (G) The Indiana grain buyers and warehouse licensing
- 9 agency.
- 10 (H) The Indiana grain indemnity corporation.
- 11 (2) Administer the election of state fair board members.
- 12 (3) Administer state programs and laws promoting
- 13 agricultural trade.
- 14 (4) Administer state livestock or agriculture marketing grant
- 15 programs.
- 16 (5) Administer economic development efforts for agriculture.
- 17 **Chapter 3. The Director**
- 18 **Sec. 1. The governor shall appoint an individual to be the**
- 19 **director of the department.**
- 20 **Sec. 2. The director:**
- 21 (1) serves at the governor's pleasure;
- 22 (2) is entitled to receive compensation in an amount set by the
- 23 governor; and
- 24 (3) is responsible to the secretary.
- 25 **Sec. 3. The director may appoint employees in the manner**
- 26 **provided by IC 4-15-2 and fix their compensation, subject to the**
- 27 **approval of the budget agency under IC 4-12-1-13.**
- 28 **Sec. 4. The director may delegate the director's authority to the**
- 29 **appropriate department staff.**
- 30 **Sec. 5. The director shall establish a board to advise the**
- 31 **department in the implementation of the department's duties.**
- 32 **SECTION 12. IC 4-4-22 IS REPEALED [EFFECTIVE UPON**
- 33 **PASSAGE].**
- 34 **SECTION 13. [EFFECTIVE UPON PASSAGE] (a) As used in this**
- 35 **SECTION, "rural development agency" refers to any part of the**
- 36 **department of commerce that administers a rural development**
- 37 **statute.**
- 38 **(b) As used in this SECTION, "rural development statute"**
- 39 **refers to any of the following:**
- 40 (1) IC 4-4-9.
- 41 (2) IC 4-4-9.3.
- 42 (3) IC 4-4-9.5.

C
O
P
Y



- 1 (c) As used in this SECTION, "office" refers to the office of
- 2 rural affairs established by IC 4-4-9.7-4, as added by this act.
- 3 (d) As used in this SECTION, "secretary" refers to the
- 4 secretary of agriculture and rural development designated by
- 5 IC 4-4-2.3-1, as added by this act.
- 6 (e) After June 30, 2005, the following apply:
- 7 (1) The powers and duties of a rural development agency are
- 8 transferred to the office.
- 9 (2) A reference to a rural development agency in a statute, a
- 10 rule, or another document is considered a reference to the
- 11 office.
- 12 (3) All the property of a rural development agency is
- 13 transferred to the office.
- 14 (4) An appropriation to a rural development agency in effect
- 15 after June 30, 2005, is transferred to the office.
- 16 (5) A fund established by a rural development statute:
- 17 (A) is transferred to the office; and
- 18 (B) shall be administered by the office.
- 19 (6) Positions of a rural development agency are transferred to
- 20 the office.
- 21 (7) This subdivision applies to an individual employed by a
- 22 rural development agency on June 30, 2005:
- 23 (A) The individual is entitled to become an employee of the
- 24 office on July 1, 2005.
- 25 (B) The individual is entitled to have the individual's
- 26 service as an employee of the rural development agency
- 27 before July 1, 2005, included for the purpose of computing
- 28 all applicable employment rights and benefits with the
- 29 office.
- 30 (C) If the employee was covered on June 30, 2005, by a
- 31 labor agreement to which the state is a party, the office
- 32 shall continue to be subject to the terms and conditions of
- 33 the agreement as provided in the labor agreement.
- 34 (8) All leases and obligations entered into by a rural
- 35 development agency before July 1, 2005, that are legal and
- 36 valid on July 1, 2005, are obligations of the office beginning
- 37 July 1, 2005.
- 38 (f) This SECTION expires July 1, 2006.
- 39 SECTION 14. [EFFECTIVE UPON PASSAGE] (a) As used in this
- 40 SECTION, "agriculture agency" refers to any of the following:
- 41 (1) All functions of the department of commerce relating to
- 42 programs relating to the economic development of

COPY



- 1 agriculture.
- 2 (2) Any part of the department of commerce that administers
- 3 an agricultural statute.
- 4 (3) The center for value added research established under
- 5 IC 4-4-3.4.
- 6 (4) The Indiana commission for agriculture and rural
- 7 development established by IC 4-4-22-6, before its repeal by
- 8 this act.
- 9 (5) The state fair board established by IC 15-1.5-4-1.
- 10 (6) The Indiana corn marketing council established by
- 11 IC 15-4-10-12.
- 12 (7) The Indiana organic peer review panel established by
- 13 IC 15-4-12-9.
- 14 (8) The Indiana dairy industry development board established
- 15 by IC 15-6-4-9.
- 16 (9) The Indiana land resources council established by
- 17 IC 15-7-9-4.
- 18 (10) The Indiana grain buyers and warehouse licensing
- 19 agency established by IC 26-3-7-1.
- 20 (11) The Indiana grain indemnity corporation established by
- 21 IC 26-4-3-1.
- 22 (b) As used in this SECTION, "agricultural statute" refers to
- 23 any of the following:
- 24 (1) IC 4-4-3.4.
- 25 (2) IC 15, except the following:
- 26 (A) Any statute administered by the state fair commission.
- 27 For purposes of this clause, IC 15-1.5-4 and IC 15-1.5-5 are
- 28 not considered to be administered by the state fair
- 29 commission.
- 30 (B) IC 15-2.1.
- 31 (C) Any statute administered by the Indiana state board of
- 32 animal health or the state veterinarian.
- 33 (D) Any statute administered by the state chemist
- 34 appointed under IC 15-3-3-2.
- 35 (E) IC 15-6-1.
- 36 (F) Any statute administered by the dean of agriculture at
- 37 Purdue University.
- 38 (3) IC 26-3-7.
- 39 (4) IC 26-4.
- 40 (c) As used in this SECTION, "commission" refers to the
- 41 Indiana commission for agriculture and rural development
- 42 established by IC 4-4-22-6, before its repeal by this act.

COPY



- 1 (d) As used in this SECTION, "department" refers to the
- 2 department of agriculture established by IC 15-9-2-1, as added by
- 3 this act.
- 4 (e) As used in this SECTION, "director" refers to the director
- 5 of the department of agriculture appointed under IC 15-9-3-1, as
- 6 added by this act.
- 7 (f) After June 30, 2005, the following apply:
- 8 (1) The powers and duties of the assistant commissioner are
- 9 transferred to the director.
- 10 (2) A reference to the assistant commissioner in a statute, a
- 11 rule, or another document shall be treated as a reference to
- 12 the director.
- 13 (3) The powers and duties of each agriculture or rural
- 14 development agency are transferred to the department.
- 15 (4) A reference to an agriculture agency in a statute, a rule, or
- 16 another document shall be treated as a reference to the
- 17 department.
- 18 (5) All the property of each agriculture agency is transferred
- 19 to the department.
- 20 (6) An appropriation to an agriculture agency in effect after
- 21 June 30, 2005, is transferred to the department.
- 22 (7) A fund established by an agriculture statute:
- 23 (A) is transferred to the department; and
- 24 (B) shall be administered by the department.
- 25 (8) Positions of each agriculture agency are transferred to the
- 26 department.
- 27 (9) This subdivision applies to an individual employed by an
- 28 agriculture agency on June 30, 2005:
- 29 (A) The individual is entitled to become an employee of the
- 30 department on July 1, 2005.
- 31 (B) The individual is entitled to have the individual's
- 32 service as an employee of the agriculture agency before
- 33 July 1, 2005, included for the purpose of computing all
- 34 applicable employment rights and benefits with the
- 35 department.
- 36 (C) If the employee was covered on June 30, 2005, by a
- 37 labor agreement to which the state is a party, the
- 38 department shall continue to be subject to the terms and
- 39 conditions of the agreement as provided in the labor
- 40 agreement.
- 41 (10) All leases and obligations entered into by an agriculture
- 42 agency before July 1, 2005, that are legal and valid on July 1,

C
O
P
Y



1 **2005, are obligations of the department beginning July 1,**
2 **2005.**
3 **(g) This SECTION expires July 1, 2006.**
4 SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
5 **SECTION, "department" refers to the department of agriculture**
6 **established by IC 15-9-2-1, as added by this act.**
7 **(b) The legislative services agency shall prepare legislation for**
8 **introduction in the 2006 regular session of the general assembly to**
9 **organize and correct statutes affected by the establishment of the**
10 **department by this act.**
11 **(c) This SECTION expires July 1, 2006.**
12 SECTION 16. **An emergency is declared for this act.**

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1008, 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 11, line 2, after "board" insert "**for purposes of administering the commissioner of agriculture's duties under IC 15-1.5-4.**".

Page 11, delete line 15.

Page 11, line 16, delete "(6)" and insert "**(5)**".

Page 12, delete line 42.

Page 13, delete line 1.

Page 13, line 2, delete "(B) Programs" and insert "**programs**".

Page 12, run in line 41 through page 13, line 2.

Page 13, delete lines 12 through 13.

Page 13, line 14, delete "(7)" and insert "**(6)**".

Page 13, line 16, delete "(8)" and insert "**(7)**".

Page 13, line 18, delete "(9)" and insert "**(8)**".

Page 13, line 20, delete "(10)" and insert "**(9)**".

Page 13, line 22, delete "(11)" and insert "**(10)**".

Page 13, line 24, delete "(12)" and insert "**(11)**".

Page 13, between lines 38 and 39, begin a new line double block indented and insert:

"(E) IC 15-6-1.

(F) Any statute administered by the dean of agriculture at Purdue University."

and when so amended that said bill do pass.

(Reference is to HB 1008 as introduced.)

GUTWEIN, Chair

Committee Vote: yeas 12, nays 0.

C
o
p
y

