



Reprinted  
January 26, 2010

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## HOUSE BILL No. 1161

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DIGEST OF HB 1161 (Updated January 25, 2010 7:46 pm - DI 77)

**Citations Affected:** IC 13-18.

**Synopsis:** Confined feeding operation setbacks. Provides that after June 30, 2010, a person may not, within two miles of the boundary of a state park or reservoir operated, maintained, or managed by the department of natural resources: (1) apply manure; or (2) start construction of a confined feeding operation. Provides an exception to the manure application restriction for a postsecondary educational institution that conducts agricultural research. Provides that the construction limitation does not apply to the expansion of a confined feeding operation or the expansion of an agricultural operation that will become a confined feeding operation as a result of the expansion.

**Effective:** July 1, 2010.

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### Pflum, Saunders, Cheatham

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January 7, 2010, read first time and referred to Committee on Agriculture and Rural Development.  
January 20, 2010, reported — Do Pass.  
January 25, 2010, read second time, amended, ordered engrossed.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## HOUSE BILL No. 1161

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

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

- 1 SECTION 1. IC 13-18-10-1.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. (a) As used in this section,**  
4 **"state recreational property" means the following:**  
5 (1) **A state park:**  
6 (A) **that is owned by the state; and**  
7 (B) **for which the department of natural resources is**  
8 **responsible for one (1) or more of the following:**  
9 (i) **Operation.**  
10 (ii) **Maintenance.**  
11 (iii) **Management.**  
12 (2) **A reservoir:**  
13 (A) **that is owned or leased by the state or the United States**  
14 **Army Corps of Engineers; and**  
15 (B) **for which the department of natural resources is**  
16 **responsible for one (1) or more of the following:**  
17 (i) **Operation.**



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**(ii) Maintenance.**

**(iii) Management.**

**(b) Subject to subsection (c), after June 30, 2010, a person may not start construction of a confined feeding operation if any part of:**

- (1) the confined feeding operation; or**
- (2) a manure treatment facility that is part of the confined feeding operation;**

**is located within two (2) miles of a state recreational property boundary.**

**(c) Subsection (b) does not apply to the following:**

- (1) The expansion of a confined feeding operation.**
- (2) The expansion of an agricultural operation that will become a confined feeding operation as a result of the expansion.**

**(d) Except for an approved postsecondary educational institution (as defined by IC 21-7-13-6(a)(1)) that is conducting agricultural research, after June 30, 2010, a person may not enter into an agreement for manure application if any part of the manure application area is located within two (2) miles of a state recreational property boundary.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1161, 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.

PFLUM, Chair

Committee Vote: yeas 7, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1161 be amended to read as follows:

Page 2, line 16, delete "After" and insert "**Except for an approved postsecondary educational institution (as defined by IC 21-7-13-6(a)(1)) that is conducting agricultural research, after**".

(Reference is to HB 1161 as printed January 21, 2010.)

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