
SENATE BILL No. 118

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-16-2-50.

Synopsis: Ordinances regulating fertilizers. Allows a political subdivision to adopt an ordinance to regulate the use of fertilizer material that contains phosphate.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 118



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 15-16-2-50, AS AMENDED BY P.L.81-2009,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 50. (a) Except as provided in ~~subsection~~
4 **subsections (b) and (c)**, a political subdivision (as defined in
5 IC 36-1-2-13) does not have authority to regulate by ordinance the
6 storage or use of fertilizer material.

7 (b) A political subdivision may, by resolution, petition the state
8 chemist for a hearing to allow a waiver to adopt an ordinance because
9 of special circumstances relating to the storage or use of fertilizer
10 material. If a petition is received, the state chemist shall hold a public
11 hearing to consider allowing the waiver requested. The public hearing
12 must be conducted in an informal manner. IC 4-21.5 does not apply to
13 a public hearing under this section.

14 (c) **A political subdivision may adopt an ordinance to regulate**
15 **the use of fertilizer material that:**

- 16 (1) **contains phosphate; and**
- 17 (2) **is designed for lawn care use.**



1 **If a political subdivision adopts an ordinance under this**
2 **subdivision, the political subdivision shall deliver a copy of the**
3 **ordinance to the state chemist at least thirty (30) days before the**
4 **ordinance becomes effective.**

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