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# SENATE BILL No. 399

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-18-10-1.5.

**Synopsis:** Confined feeding operation setbacks. Provides that after June 30, 2011, a person may not: (1) apply manure; or (2) start construction of a confined feeding operation; within two miles of the boundary of a state park or reservoir operated, maintained, or managed by the department of natural resources. 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, 2011.

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January 20, 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. 399**



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, 2011]: **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, 2011, 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) After June 30, 2011, 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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