



Reprinted  
January 14, 2012

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## HOUSE BILL No. 1091

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DIGEST OF HB 1091 (Updated January 13, 2012 1:02 pm - DI 77)

**Citations Affected:** IC 32-30; IC 35-48.

**Synopsis:** Agricultural operations. Provides that if a court finds that an agricultural operation that is the subject of a nuisance action was not a nuisance and that the nuisance action was frivolous, initiated maliciously, or groundless, the court shall award the expenses of litigation, including reasonable attorney's fees, to the defendant in the action. Provides that a person who: (1) manufactures methamphetamine; or (2) grows or harvests marijuana; on agricultural land while committing a civil or criminal trespass commits a Class A infraction.

**Effective:** July 1, 2012.

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**Friend, Lehe**

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January 9, 2012, read first time and referred to Committee on Agriculture and Rural Development.  
January 11, 2012, amended, reported — Do Pass.  
January 13, 2012, read second time, amended, ordered engrossed.

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HB 1091—LS 6306/DI 77+



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1091

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

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

- 1 SECTION 1. IC 32-30-6-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 9.5. If a court finds that an agricultural operation  
4 that is the subject of a nuisance action was not a nuisance under  
5 section 9 of this chapter and that the nuisance action was frivolous,  
6 initiated maliciously, or groundless, the court shall award the  
7 expenses of litigation, including reasonable attorney's fees, to the  
8 defendant in the action.**
- 9 SECTION 2. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2012]: **Sec. 18. (a) As used in this section, "agricultural land"  
12 means real property, including any structure on the property, that  
13 is:**
- 14 (1) used for the production of crops, fruit, timber, or raising
  - 15 livestock; and
  - 16 (2) assessed as agricultural land for property tax purposes
  - 17 under IC 6-1.1-20.6.

HB 1091—LS 6306/DI 77+



1           **(b) A person who:**  
2               **(1) manufactures methamphetamine; or**  
3               **(2) grows or harvests marijuana;**  
4           **on agricultural land while committing a civil or criminal trespass**  
5           **commits a Class A infraction.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1091, 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 1, line 6, delete "court:" and insert "**court**".

Page 1, line 7, delete "(1)".

Page 1, line 7, run in lines 6 through 7.

Page 1, line 8, delete "attorney" and insert "**attorney's**".

Page 1, line 8, delete "action; and" and insert "**action.**".

Page 1, delete line 9.

and when so amended that said bill do pass.

(Reference is to HB 1091 as introduced.)

LEHE, Chair

Committee Vote: yeas 9, nays 3.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1091 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) As used in this section, "agricultural land" means real property, including any structure on the property, that is:**

**(1) used for the production of crops, fruit, timber, or raising livestock; and**

**(2) assessed as agricultural land for property tax purposes under IC 6-1.1-20.6.**

**(b) A person who:**

**(1) manufactures methamphetamine; or**

**(2) grows or harvests marijuana;**

**on agricultural land while committing a civil or criminal trespass commits a Class A infraction."**



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Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as printed January 11, 2012.)

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