
HOUSE BILL No. 1310

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-9.

Synopsis: Department of agriculture. Establishes the department of agriculture. Transfers to the department the functions of various state agencies relating to agriculture.

Effective: July 1, 2005.

Gutwein

January 6, 2005, read first time and referred to Committee on Agriculture and Rural Development.

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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.

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HOUSE BILL No. 1310



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 15-9 IS ADDED TO THE INDIANA CODE AS A
 2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 3 2005]:
 4 **ARTICLE 9. DEPARTMENT OF AGRICULTURE**
 5 **Chapter 1. General Provisions**
 6 **Sec. 1. This article applies after June 30, 2006.**
 7 **Chapter 2. Definitions**
 8 **Sec. 1. The definitions in this chapter apply throughout this**
 9 **article.**
 10 **Sec. 2. "Board" refers to the board for agriculture and rural**
 11 **issues established by IC 15-9-6-2.**
 12 **Sec. 3. "Dean" refers to the dean of agriculture at Purdue**
 13 **University.**
 14 **Sec. 4. "Department" refers to the department of agriculture**
 15 **established by IC 15-9-3-1.**
 16 **Sec. 5. "Director" refers to the director of a division of the**
 17 **department.**



1 **Sec. 6. "Division" refers to a division of the department.**
2 **Sec. 7. "Secretary" refers to the secretary of agriculture**
3 **appointed under IC 15-9-4-1.**
4 **Chapter 3. Establishment of the Department**
5 **Sec. 1. The department of agriculture is established.**
6 **Sec. 2. The secretary appointed under IC 15-9-4-1 is the chief**
7 **executive and administrative officer of the department.**
8 **Sec. 3. The department shall administer this article.**
9 **Sec. 4. Except as provided in this title, the department is**
10 **responsible for all agricultural programs and services provided by**
11 **state government.**
12 **Chapter 4. The Secretary of Agriculture and Assistant**
13 **Secretary**
14 **Sec. 1. (a) The governor shall appoint an individual to be the**
15 **secretary of agriculture.**
16 **(b) The secretary must have professional training and**
17 **experience in agriculture programs.**
18 **Sec. 2. The secretary:**
19 **(1) serves at the governor's pleasure; and**
20 **(2) is entitled to receive compensation in an amount set by the**
21 **governor.**
22 **Sec. 3. The secretary shall appoint the director of each of the**
23 **department's divisions.**
24 **Sec. 4. Except for employees appointed by a director under**
25 **IC 15-9-5-3, the secretary 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. 5. The secretary may delegate the secretary's authority to**
29 **appropriate department staff.**
30 **Sec. 6. Except as provided in this title, the secretary is**
31 **responsible for all agricultural programs and services provided by**
32 **the state.**
33 **Sec. 7. For purposes of IC 4-21.5, the secretary is the ultimate**
34 **authority for the department.**
35 **Sec. 8. For purposes of IC 4-22-2, the secretary is the authority**
36 **that adopts rules for the department.**
37 **Sec. 9. (a) The secretary shall appoint an assistant secretary.**
38 **The assistant secretary serves at the pleasure of the secretary.**
39 **(b) The assistant secretary must have professional training and**
40 **experience in agriculture programs.**
41 **(c) The assistant secretary shall supervise the daily operations**
42 **of the board.**

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1 (d) The assistant secretary shall serve as the board's vice chair.
 2 Chapter 5. Organization of the Department
 3 Sec. 1. The department consists of the following:
 4 (1) The division of agricultural promotion.
 5 (2) The division of agricultural and rural development.
 6 (3) The division of agricultural stewardship.
 7 (4) The division of entomology and plant pathology.
 8 (5) The division of land and water conservation.
 9 Sec. 2. (a) The secretary shall appoint the director of each
 10 division.
 11 (b) A director serves at the secretary's pleasure.
 12 (c) The secretary shall determine a director's compensation,
 13 subject to the approval of the budget agency under IC 4-12-1-13.
 14 (d) Subject to the oversight of the secretary, a director is the
 15 chief administrative officer of the director's division.
 16 Sec. 3. The director of each division may appoint employees in
 17 the manner provided by IC 4-15-2 and fix their compensation,
 18 subject to the approval of the budget agency under IC 4-12-1-13.
 19 Chapter 6. The Board for Agriculture and Rural Issues
 20 Sec. 1. As used in this chapter, "citizen member" refers to a
 21 member of the board described in section 3(a)(6) through 3(a)(12)
 22 of this chapter.
 23 Sec. 2. The board for agriculture and rural issues is established.
 24 Sec. 3. (a) The board consists of the following twenty-four (24)
 25 members:
 26 (1) The secretary.
 27 (2) The dean or the dean's designee.
 28 (3) A representative of the Indiana rural development council.
 29 (4) A representative of the Indiana land resources council.
 30 (5) The state veterinarian.
 31 (6) Four (4) individuals representing the livestock industry.
 32 (7) Three (3) individuals representing the crop industry.
 33 (8) Three (3) individuals representing the agribusiness
 34 industry.
 35 (9) Four (4) individuals representing specialty agriculture.
 36 (10) Two (2) individuals representing forestry.
 37 (11) One (1) individual representing conservation interests.
 38 (12) Two (2) individuals representing general agriculture.
 39 (b) The following are ex officio nonvoting board members:
 40 (1) The secretary.
 41 (2) The dean or the dean's designee.
 42 (3) The representative of the Indiana rural development

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council.

(4) The representative of the Indiana land resources council.

(5) The state veterinarian.

Sec. 4. (a) The governor shall appoint each of the citizen members. A citizen member serves at the pleasure of the governor.

(b) Not more than ten (10) of the citizen members may be members of the same political party.

(c) The governor shall appoint the citizen members based on each individual's familiarity with production agriculture, farm organizations, agribusiness, banking, or public services to rural areas.

(d) If a vacancy occurs among the citizen members, the governor shall appoint an individual to fill the vacancy.

Sec. 5. The board shall elect its chair from among the board's voting members at the board's first meeting after June 30 of each year.

Sec. 6. Thirteen (13) voting members of the board constitute a quorum.

Sec. 7. The board shall meet at the call of the chair but at least quarterly.

Sec. 8. Each member of the board who is not a state employee and is not otherwise being compensated for service as a member of the board is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. Each member of the board who is a state employee or is otherwise being compensated for service as a member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 10. The secretary shall provide the necessary staff and administrative support for the board.

Sec. 11. The board may do the following:

(1) Develop and recommend policy and program initiatives to the secretary that enhance Indiana's agricultural industry and

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rural communities. Recommendations made under this subdivision may include the following:

- (A) Appropriate legislation.
 - (B) The state's involvement in and recommendations regarding national agricultural and rural development policy.
 - (C) Methods to improve the effectiveness of the state's agriculture and rural development programs.
 - (D) Needed educational programs to further Indiana agriculture and rural development.
- (2) Revise the state's long term strategic plan for agriculture and rural development. The board shall work with the agricultural community to implement the plan.
 - (3) Facilitate cooperation among state agencies, federal agencies, and state educational institutions that administer programs concerning agriculture and rural development.
 - (4) Cooperate with the department in the development of a comprehensive agriculture and rural business initiative and promotional program to assist in the advancement of value added agricultural product processing and related services.
 - (5) Promote agricultural awareness of the state's rural health and economic development efforts.
 - (6) Promote diversified, economical, and environmentally sound agricultural production.
 - (7) Cooperate with agricultural commodity groups and agricultural interest groups in the development of effective programs to promote Indiana's agricultural industry.
 - (8) Address other long term or priority issues of concern to agricultural and rural communities.

Sec. 12. Not later than December 31 of each year, the board shall file a written annual report with the secretary summarizing the board's activity.

Chapter 7. The Division of Agricultural Promotion

Sec. 1. The division of agricultural promotion is established in the department.

Sec. 2. The director appointed under IC 15-9-5-2 is the administrative head of the division.

Sec. 3. IC 15-9-5 applies to the director and the division.

Sec. 4. The division shall do the following:

- (1) Administer the election of state fair board members. The division shall also provide administrative support to the board for operation of the state fair as determined by the secretary

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- 1 and the state fair board.
- 2 (2) Provide administrative and staff support for the following:
- 3 (A) The Indiana horse racing commission and the laws
- 4 administered by the commission.
- 5 (B) The Indiana standardbred advisory board and the laws
- 6 administered by the board.
- 7 (C) The Indiana corn marketing council and the laws
- 8 administered by the council.
- 9 (3) Administer the following:
- 10 (A) Indiana dairy industry development programs and
- 11 laws.
- 12 (B) All state programs and laws promoting:
- 13 (i) Indiana agriculture;
- 14 (ii) Indiana food products; or
- 15 (iii) agricultural trade.
- 16 (C) All state livestock or agricultural marketing grant
- 17 programs.
- 18 (4) Perform other functions assigned by the secretary.
- 19 Chapter 8. The Division of Agricultural and Rural Development
- 20 Sec. 1. The division of agricultural and rural development is
- 21 established in the department.
- 22 Sec. 2. The director appointed under IC 15-9-5-2 is the
- 23 administrative head of the division.
- 24 Sec. 3. IC 15-9-5 applies to the director and the division.
- 25 Sec. 4. The division shall do the following:
- 26 (1) Provide administrative and staff support for the following:
- 27 (A) The Indiana rural development council.
- 28 (B) The Indiana land resources council.
- 29 (C) The center for value added research.
- 30 (2) Administer all programs linking agriculture and rural
- 31 Indiana with tourism.
- 32 (3) Administer all programs relating to the economic
- 33 development of agriculture and rural Indiana.
- 34 (4) Perform other functions assigned by the secretary.
- 35 Chapter 9. The Division of Agricultural Stewardship
- 36 Sec. 1. As used in this chapter, "concentrated animal feeding
- 37 operation" or "CAFO" has the meaning set forth in 40 CFR
- 38 122.23.
- 39 Sec. 2. The division of agricultural stewardship is established in
- 40 the department.
- 41 Sec. 3. The director appointed under IC 15-9-5-2 is the
- 42 administrative head of the division.

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- 1 **Sec. 4. IC 15-9-5 applies to the director and the division.**
- 2 **Sec. 5. (a) The division shall do the following:**
- 3 (1) Be responsible for regulation of confined feeding
- 4 operations.
- 5 (2) Do the following regarding concentrated animal feeding
- 6 operations (CAFOs):
- 7 (A) Administer all programs for approval of CAFOs,
- 8 including issuance of National Pollutant Discharge
- 9 Elimination System permits for CAFOs.
- 10 (B) Perform all inspections of CAFOs.
- 11 (C) Administer all state programs that provide assistance
- 12 to CAFOs.
- 13 (3) Administer all other regulatory functions relating to
- 14 agriculture.
- 15 (4) Perform other functions assigned by the secretary.
- 16 (b) Notwithstanding subsection (a), the department of
- 17 environmental management retains responsibility over
- 18 enforcement actions relating to confined feeding operations and
- 19 CAFOs.
- 20 **Sec. 6. Subject to the secretary's approval, the director may**
- 21 **contract with:**
- 22 (1) a state educational institution (as defined in
- 23 IC 20-12-0.5-1); or
- 24 (2) a person with appropriate expertise and experience;
- 25 to implement the division's regulatory functions.
- 26 **Chapter 10. The Division of Entomology and Plant Pathology**
- 27 **Sec. 1. The division of entomology and plant pathology is**
- 28 **established in the department.**
- 29 **Sec. 2. The director appointed under IC 15-9-5-2 is:**
- 30 (1) the administrative head of the division; and
- 31 (2) the state entomologist.
- 32 **Sec. 3. IC 15-9-5 applies to the director and the division.**
- 33 **Sec. 4. The division shall do the following:**
- 34 (1) Provide administrative and staff support for all programs
- 35 for the control of pests and pathogens.
- 36 (2) Administer all programs relating to the following:
- 37 (A) Premises where nursery stock is propagated, grown, or
- 38 cultivated for distribution or sale as a business.
- 39 (B) Regulation of nursery dealers.
- 40 (3) Administer all programs relating to the regulation of
- 41 apiaries and beekeepers.
- 42 (4) Perform other functions assigned by the secretary.

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1 **Chapter 11. The Division of Land and Water Conservation**

2 **Sec. 1. The division of land and water conservation is**
3 **established in the department.**

4 **Sec. 2. The director appointed under IC 15-9-5-2 is the**
5 **administrative head of the division.**

6 **Sec. 3. IC 15-9-5 applies to the director and the division.**

7 **Sec. 4. The division shall do the following:**

8 (1) **Provide administrative and staff support for the soil**
9 **conservation board.**

10 (2) **Administer the following:**

11 (A) **All programs relating to land and soil conservation in**
12 **Indiana.**

13 (B) **All programs relating to management of Indiana's**
14 **forests.**

15 (C) **Management of Indiana's watersheds.**

16 (D) **The clean water Indiana program.**

17 (3) **Perform other functions assigned by the secretary.**

18 **SECTION 2. [EFFECTIVE JULY 1, 2005] (a) As used in this**
19 **SECTION, "agricultural statute" refers to any of the following:**

20 (1) **IC 4-4-3.5.**

21 (2) **IC 4-4-9.**

22 (3) **IC 4-4-9.3.**

23 (4) **IC 4-4-9.5.**

24 (5) **IC 4-31.**

25 (6) **IC 14-24.**

26 (7) **IC 14-32.**

27 (8) **IC 15, except the following:**

28 (A) **IC 15-2.1 or any other statute administered by the**
29 **Indiana state board of animal health or the state**
30 **veterinarian.**

31 (B) **Any statute administered by the state chemist**
32 **appointed under IC 15-3-3-2.**

33 (b) **As used in this SECTION, "commissioner":**

34 (1) **refers to the commissioner of agriculture; and**

35 (2) **includes the assistant commissioner of agriculture.**

36 (c) **As used in this SECTION, "department" refers to the**
37 **department of agriculture established by IC 15-9-3-1, as added by**
38 **this act.**

39 (d) **As used in this SECTION, "secretary" refers to the**
40 **secretary of agriculture appointed under IC 15-9-4-1, as added by**
41 **this act.**

42 (e) **After June 30, 2006, the following apply:**

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- 1 **(1) The powers and duties of the commissioner are**
- 2 **transferred to the secretary.**
- 3 **(2) A reference to the commissioner in a statute, a rule, or**
- 4 **another document is considered a reference to the secretary.**
- 5 **(3) The secretary is the ultimate authority for a proceeding**
- 6 **governed by IC 4-21.5 under an agricultural statute.**
- 7 **(4) Rules adopted under any agricultural statute are**
- 8 **considered to be rules adopted by the secretary until the**
- 9 **secretary amends or repeals the rules.**
- 10 **(f) This SECTION expires July 1, 2007.**
- 11 SECTION 3. [EFFECTIVE JULY 1, 2005] **(a) As used in this**
- 12 **SECTION, "agricultural promotion agency" refers to the**
- 13 **following:**
- 14 **(1) Any part of the department of commerce that administers**
- 15 **an agricultural promotion statute.**
- 16 **(2) The Indiana horse racing commission established by**
- 17 **IC 4-31-3-1.**
- 18 **(3) The state fair board established by IC 15-1.5-4-1.**
- 19 **(4) Any commodity market development council established**
- 20 **under IC 15-4-3.5.**
- 21 **(5) The Indiana corn marketing council established by**
- 22 **IC 15-4-10-12.**
- 23 **(6) The Indiana standardbred advisory board established by**
- 24 **IC 15-5-5.5-1.**
- 25 **(7) The Indiana dairy industry development board established**
- 26 **by IC 15-6-4-9.**
- 27 **(b) As used in this SECTION, "agricultural promotion statute"**
- 28 **refers to any of the following:**
- 29 **(1) IC 4-4-3.5.**
- 30 **(2) IC 4-4-9.**
- 31 **(3) IC 4-4-9.3.**
- 32 **(4) IC 4-31.**
- 33 **(5) IC 15-1.5-4.**
- 34 **(6) IC 15-1.5-5.**
- 35 **(c) As used in this SECTION, "department" refers to the**
- 36 **department of agriculture established by IC 15-9-3-1, as added by**
- 37 **this act.**
- 38 **(d) As used in this SECTION, "division" refers to the division**
- 39 **of agricultural promotion established by IC 15-9-7-1, as added by**
- 40 **this act.**
- 41 **(e) As used in this SECTION, "secretary" refers to the secretary**
- 42 **of agriculture appointed under IC 15-9-4-1, as added by this act.**

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- (f) After June 30, 2006, the following apply:**
 - (1) The powers and duties of an agricultural promotion agency are transferred to the division.**
 - (2) A reference to an agricultural promotion agency in a statute, a rule, or another document is considered a reference to the division.**
 - (3) All the property of an agricultural promotion agency is transferred to the division. This subdivision does not transfer any property of the state fair commission established by IC 15-1.5-2-1.**
 - (4) An appropriation to an agricultural promotion agency in effect after June 30, 2006, is transferred to the division.**
 - (5) A fund established by an agricultural promotion statute:**
 - (A) is transferred to the division; and**
 - (B) shall be administered by the division.**
 - (6) Positions of an agricultural promotion agency are transferred to the division.**
 - (7) This subdivision applies to an individual employed by an agricultural promotion agency on June 30, 2006:**
 - (A) The individual is entitled to become an employee of the division on July 1, 2006.**
 - (B) The individual is entitled to have the individual's service as an employee of the agricultural promotion agency before July 1, 2006, included for the purpose of computing all applicable employment rights and benefits with the division.**
 - (C) If the employee was covered on June 30, 2006, by a labor agreement to which the state is a party, the division shall continue to be subject to the terms and conditions of the agreement as provided in the labor agreement.**
 - (8) All leases and obligations entered into by an agricultural promotion agency before July 1, 2006, that are legal and valid on July 1, 2006, are obligations of the division beginning July 1, 2006.**
- (g) This SECTION expires July 1, 2007.**
- SECTION 4. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "agricultural and rural development agency" refers to the following:**
 - (1) All functions of the department of commerce relating to any of the following:**
 - (A) Programs linking agriculture and rural Indiana with tourism.**

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- (B) Programs relating to the economic development of agriculture and rural Indiana.**
- (2) The Indiana rural development council.**
- (3) The Indiana land resources council.**
- (4) The center for value added research.**
- (b) As used in this SECTION, "agricultural and rural development statute" refers to any of the following:**
 - (1) IC 4-4-3.4.**
 - (2) IC 4-4-9.5.**
 - (3) IC 15-7-9.**
- (c) As used in this SECTION, "department" refers to the department of agriculture established by IC 15-9-3-1, as added by this act.**
- (d) As used in this SECTION, "division" refers to the division of agricultural and rural development established by IC 15-9-8-1, as added by this act.**
- (e) As used in this SECTION, "secretary" refers to the secretary of agriculture appointed under IC 15-9-4-1, as added by this act.**
- (f) After June 30, 2006, the following apply:**
 - (1) The powers and duties of an agricultural and rural development agency are transferred to the division.**
 - (2) A reference to an agricultural and rural development agency in a statute, a rule, or another document is considered a reference to the division.**
 - (3) All the property of an agricultural and rural development agency is transferred to the division.**
 - (4) An appropriation to an agricultural and rural development agency in effect after June 30, 2006, is transferred to the division.**
 - (5) A fund established by an agricultural and rural development statute:**
 - (A) is transferred to the division; and**
 - (B) shall be administered by the division.**
 - (6) Positions of an agricultural and rural development agency are transferred to the division.**
 - (7) This subdivision applies to an individual employed by an agricultural and rural development agency on June 30, 2006:**
 - (A) The individual is entitled to become an employee of the division on July 1, 2006.**
 - (B) The individual is entitled to have the individual's service as an employee of the agriculture and rural development agency before July 1, 2006, included for the**

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purpose of computing all applicable employment rights and benefits with the division.

(C) If the employee was covered on June 30, 2006, by a labor agreement to which the state is a party, the division shall continue to be subject to the terms and conditions of the agreement as provided in the labor agreement.

(8) All leases and obligations entered into by an agricultural and rural development agency before July 1, 2006, that are legal and valid on July 1, 2006, are obligations of the division beginning July 1, 2006.

(g) This SECTION expires July 1, 2007.

SECTION 5. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "agricultural stewardship agency" refers to the following:

(1) All functions of the department of environmental management relating to:

(A) confined feeding operations; or

(B) concentrated animal feeding operations;

except the enforcement functions relating to confined feeding operations and concentrated animal feeding operations.

(2) The Indiana grain buyers and warehouse licensing agency.

(3) The Indiana grain indemnity corporation.

(4) The Indiana organic peer review panel.

(b) As used in this SECTION, "agricultural stewardship statute" refers to any of the following:

(1) IC 15-2.1-18-19.

(2) IC 15-4-12.

(3) IC 15-6-1.

(4) IC 16-42-11.

(5) IC 26-3-7.

(6) IC 26-4.

(c) As used in this SECTION, "department" refers to the department of agriculture established by IC 15-9-3-1, as added by this act.

(d) As used in this SECTION, "division" refers to the division of agricultural stewardship established by IC 15-9-9-2, as added by this act.

(e) As used in this SECTION, "secretary" refers to the secretary of agriculture appointed under IC 15-9-4-1, as added by this act.

(f) After June 30, 2006, the following apply:

(1) The powers and duties of an agricultural stewardship agency are transferred to the division.

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- 1 **(2) A reference to an agricultural stewardship agency in a**
- 2 **statute, a rule, or another document is considered a reference**
- 3 **to the division.**
- 4 **(3) All the property of an agricultural stewardship agency is**
- 5 **transferred to the division.**
- 6 **(4) An appropriation to an agricultural stewardship agency in**
- 7 **effect after June 30, 2006, is transferred to the division.**
- 8 **(5) A fund established by an agricultural stewardship statute:**
- 9 **(A) is transferred to the division; and**
- 10 **(B) shall be administered by the division.**
- 11 **(6) Positions of an agricultural stewardship agency are**
- 12 **transferred to the division.**
- 13 **(7) This subdivision applies to an individual employed by an**
- 14 **agricultural stewardship agency on June 30, 2006:**
- 15 **(A) The individual is entitled to become an employee of the**
- 16 **division on July 1, 2006.**
- 17 **(B) The individual is entitled to have the individual's**
- 18 **service as an employee of the agricultural stewardship**
- 19 **agency before July 1, 2006, included for the purpose of**
- 20 **computing all applicable employment rights and benefits**
- 21 **with the division.**
- 22 **(C) If the employee was covered on June 30, 2006, by a**
- 23 **labor agreement to which the state is a party, the division**
- 24 **shall continue to be subject to the terms and conditions of**
- 25 **the agreement as provided in the labor agreement.**
- 26 **(8) All leases and obligations entered into by an agricultural**
- 27 **stewardship agency before July 1, 2006, that are legal and**
- 28 **valid on July 1, 2006, are obligations of the division beginning**
- 29 **July 1, 2006.**
- 30 **(g) This SECTION expires July 1, 2007.**
- 31 **SECTION 6. [EFFECTIVE JULY 1, 2005] (a) As used in this**
- 32 **SECTION, "department" refers to the department of agriculture**
- 33 **established by IC 15-9-3-1, as added by this act.**
- 34 **(b) As used in this SECTION, "division" refers to the division**
- 35 **of entomology and plant pathology established by IC 15-9-10-1, as**
- 36 **added by this act.**
- 37 **(c) As used in this SECTION, "entomology and plant pathology**
- 38 **agency" refers to the division of entomology and plant pathology**
- 39 **of the department of natural resources.**
- 40 **(d) As used in this SECTION, "entomology and plant pathology**
- 41 **statute" refers to IC 14-24.**
- 42 **(e) As used in this SECTION, "secretary" refers to the secretary**

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1 of agriculture appointed under IC 15-9-4-1, as added by this act.

2 (f) After June 30, 2006, the following apply:

3 (1) The powers and duties of an entomology and plant
4 pathology agency are transferred to the division.

5 (2) A reference to an entomology and plant pathology agency
6 in a statute, a rule, or another document is considered a
7 reference to the division.

8 (3) All the property of an entomology and plant pathology
9 agency is transferred to the division.

10 (4) An appropriation to an entomology and plant pathology
11 agency in effect after June 30, 2006, is transferred to the
12 division.

13 (5) A fund established by an entomology and plant pathology
14 statute:

15 (A) is transferred to the division; and

16 (B) shall be administered by the division.

17 (6) Positions of an entomology and plant pathology agency are
18 transferred to the division.

19 (7) This subdivision applies to an individual employed by an
20 entomology and plant pathology agency on June 30, 2006:

21 (A) The individual is entitled to become an employee of the
22 division on July 1, 2006.

23 (B) The individual is entitled to have the individual's
24 service as an employee of the entomology and plant
25 pathology agency before July 1, 2006, included for the
26 purpose of computing all applicable employment rights
27 and benefits with the division.

28 (C) If the employee was covered on June 30, 2006, by a
29 labor agreement to which the state is a party, the division
30 shall continue to be subject to the terms and conditions of
31 the agreement as provided in the labor agreement.

32 (8) All leases and obligations entered into by an entomology
33 and plant pathology agency before July 1, 2006, that are legal
34 and valid on July 1, 2006, are obligations of the division
35 beginning July 1, 2006.

36 (g) This SECTION expires July 1, 2007.

37 SECTION 7. [EFFECTIVE JULY 1, 2005] (a) As used in this
38 SECTION, "department" refers to the department of agriculture
39 established by IC 15-9-3-1, as added by this act.

40 (b) As used in this SECTION, "division" refers to the division
41 of land and water conservation established by IC 15-9-11-1, as
42 added by this act.

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(c) As used in this SECTION, "land and water conservation agency" refers to any of the following:

(1) The soil and water conservation functions of the department of natural resources.

(2) The soil conservation board.

(3) All functions of the department of natural resources or the department of environmental management relating to any of the following:

(A) All programs relating to management of Indiana's forests.

(B) Management of Indiana's watersheds.

(C) The clean water Indiana program.

(d) As used in this SECTION, "land and water conservation statute" refers to IC 14-32.

(e) As used in this SECTION, "secretary" refers to the secretary of agriculture appointed under IC 15-9-4-1, as added by this act.

(f) After June 30, 2006, the following apply:

(1) The powers and duties of a land and water conservation agency are transferred to the division.

(2) A reference to a land and water conservation agency in a statute, rule, or other document is considered a reference to the division.

(3) All the property of a land and water conservation agency is transferred to the division.

(4) An appropriation to a land and water conservation agency in effect after June 30, 2006, is transferred to the division.

(5) A fund established by a land and water conservation statute:

(A) is transferred to the division; and

(B) shall be administered by the division.

(6) Positions of a land and water conservation agency are transferred to the division.

(7) This subdivision applies to an individual employed by a land and water conservation agency on June 30, 2006:

(A) The individual is entitled to become an employee of the division on July 1, 2006.

(B) The individual is entitled to have the individual's service as an employee of the land and water conservation agency before July 1, 2006, included for the purpose of computing all applicable employment rights and benefits with the division.

(C) If the employee was covered on June 30, 2006, by a

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1 labor agreement to which the state is a party, the division
 2 shall continue to be subject to the terms and conditions of
 3 the agreement as provided in the labor agreement.
 4 **(8) All leases and obligations entered into by a land and water
 5 conservation agency before July 1, 2006, that are legal and
 6 valid on July 1, 2006, are obligations of the division beginning
 7 July 1, 2006.**
 8 **(g) This SECTION expires July 1, 2007.**
 9 SECTION 8. [EFFECTIVE JULY 1, 2005] **(a) As used in this
 10 SECTION, "department" refers to the department of agriculture
 11 established by IC 15-9-3-1, as added by this act.**
 12 **(b) The legislative services agency shall prepare legislation for
 13 introduction in the 2006 regular session of the general assembly to
 14 organize and correct statutes affected by the establishment of the
 15 department by this act.**
 16 **(c) This SECTION expires July 1, 2006.**

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