February 13, 2004

ENGROSSED
HOUSE BILL No. 1087

DIGEST OF HB 1087 (Updated February 11, 2004 2:56 pm - DI 87)

Citations Affected: IC 14-33.

Synopsis: Conservancy districts. Provides that if there is a vacancy on the board of a conservancy district, the board rather than the county commissioners shall select a member to fill the vacancy. Provides that if a tie vote of the board results when filling a vacancy, the circuit court judge shall designate a person to fill the vacancy. Repeals a provision governing the expansion of a conservancy district located in Hendricks County.

Effective: July 1, 2004.

Mangus, Cheney, Lytle
(SENATE SPONSORS — RIEGSECKER, HUME)

January 13, 2004, read first time and referred to Committee on Rules and Legislative Procedures.
January 26, 2004, reported — Do Pass.
January 29, 2004, read second time, ordered engrossed. Engrossed.
February 2, 2004, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

February 3, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 12, 2004, reported favorably — Do Pass.

C o p y

February 13, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

C o p y

ENGROSSED HOUSE BILL No. 1087

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) This section applies to all districts. ~~except for districts described in section 3 of this chapter.~~

(b) To add area to a district already established:

(1) the same procedure must be used as is provided for the establishment of a district with the petition addressed to the court having jurisdiction over the district; or

(2) the board may pass a resolution adding additional area to the district already established if the board has received a petition that:

(A) is signed by:

(i) the majority of freeholders; or

(ii) a municipality under IC 14-33-2-7;

within the area proposed to be added; and

(B) requests the addition of the area to the district.

The resolution may contain reasonable terms and conditions

imposed on the additional area.

(c) The board shall file the resolution and petition with the court.

(d) Upon receipt of a petition or a petition and a resolution, the court shall do the following:

(1) Set a date for a hearing.

(2) Have notice published and mailed to:

(A) the commission; and

(B) the freeholders both in the district and in the area proposed to be added;

in the same manner in which notice is required for notice of the hearing on the original petition to establish the district.

(e) If:

(1) an objection is not filed at the hearing by:

(A) the commission; or

(B) an owner of real property either in the district or in the area to be added; and

(2) the court determines that the petition is proper;

the court shall order the district established in the additional area.

(f) If an objection is filed, the court shall do the following:

(1) Determine at the hearing the following:

(A) The sufficiency of the petition.

(B) The necessity and feasibility of adding the area.

(2) Make the order according to the facts found.

SECTION 2. IC 14-33-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. **(a)** If a vacancy occurs on the board, the board ~~of commissioners of the county~~ shall **vote to** appoint a member to serve until the next annual meeting.

(b) If the vote held under subsection (a) results in a tie, a judge of the circuit court of the county in which the district was established shall designate a person to serve as a member until the next annual meeting.

(c) At the **next** annual meeting a director shall be elected to complete the term.

SECTION 3. IC 14-33-4-3 IS REPEALED [EFFECTIVE JULY 1, 2004].

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1087, 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.

PELATH, Chair

Committee Vote: yeas 7, nays 0.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1087, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1087 as printed January 27, 2004.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

C o p y