

HOUSE BILL No. 1087

DIGEST OF INTRODUCED BILL

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

January 13, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

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.

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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:

- 1 SECTION 1. IC 14-33-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) This section
3 applies to all districts. ~~except for districts described in section 3 of this~~
4 ~~chapter.~~
- 5 (b) To add area to a district already established:
- 6 (1) the same procedure must be used as is provided for the
7 establishment of a district with the petition addressed to the court
8 having jurisdiction over the district; or
9 (2) the board may pass a resolution adding additional area to the
10 district already established if the board has received a petition
11 that:
- 12 (A) is signed by:
- 13 (i) the majority of freeholders; or
14 (ii) a municipality under IC 14-33-2-7;
15 within the area proposed to be added; and
16 (B) requests the addition of the area to the district.
- 17 The resolution may contain reasonable terms and conditions



1 imposed on the additional area.
 2 (c) The board shall file the resolution and petition with the court.
 3 (d) Upon receipt of a petition or a petition and a resolution, the court
 4 shall do the following:
 5 (1) Set a date for a hearing.
 6 (2) Have notice published and mailed to:
 7 (A) the commission; and
 8 (B) the freeholders both in the district and in the area proposed
 9 to be added;
 10 in the same manner in which notice is required for notice of the
 11 hearing on the original petition to establish the district.
 12 (e) If:
 13 (1) an objection is not filed at the hearing by:
 14 (A) the commission; or
 15 (B) an owner of real property either in the district or in the
 16 area to be added; and
 17 (2) the court determines that the petition is proper;
 18 the court shall order the district established in the additional area.
 19 (f) If an objection is filed, the court shall do the following:
 20 (1) Determine at the hearing the following:
 21 (A) The sufficiency of the petition.
 22 (B) The necessity and feasibility of adding the area.
 23 (2) Make the order according to the facts found.
 24 SECTION 2. IC 14-33-5-12 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) If a vacancy
 26 occurs on the board, the board of commissioners of the county shall
 27 vote to appoint a member to serve until the next annual meeting.
 28 (b) If the vote held under subsection (a) results in a tie, a judge
 29 of the circuit court of the county in which the district was
 30 established shall designate a person to serve as a member until the
 31 next annual meeting.
 32 (c) At the next annual meeting a director shall be elected to
 33 complete the term.
 34 SECTION 3. IC 14-33-4-3 IS REPEALED [EFFECTIVE JULY 1,
 35 2004].

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