



March 16, 2011

**ENGROSSED
HOUSE BILL No. 1348**

DIGEST OF HB 1348 (Updated March 14, 2011 11:03 am - DI 116)

Citations Affected: IC 14-32.

Synopsis: Soil and water conservation districts. Amends the statement of the general assembly's policy on the management of soil and water resources to include the goal of protecting and improving soil quality. Eliminates the condition that, to be an elected supervisor on the governing body of a soil and water conservation district, an individual must occupy a tract of land larger than ten acres. Changes certain voting procedures. Requires the supervisors of a district to provide supervision for employees of the district. Generally authorizes the use of money in the clean water Indiana fund to qualify for federal matching funds. (Under current law, the fund can be used to qualify for federal matching funds only if the federal matching funds are for county soil survey computerization.)

Effective: July 1, 2011.

Eberhart, Cheatham

(SENATE SPONSORS — MISHLER, ARNOLD)

January 18, 2011, read first time and referred to Committee on Natural Resources.
January 27, 2011, reported — Do Pass.
January 31, 2011, read second time, ordered engrossed. Engrossed.
February 3, 2011, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Agriculture and Natural Resources.
March 15, 2011, reported favorably — Do Pass.

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EH 1348—LS 7174/DI 77+



March 16, 2011

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.

ENGROSSED HOUSE BILL No. 1348

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 14-32-1-2, AS AMENDED BY P.L.175-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. In light of the determination set forth in section
4 1 of this chapter, it is the policy of the general assembly to provide for
5 the proper management of soil and water resources, the control and
6 prevention of soil erosion, the prevention of flood water and sediment
7 damage, the prevention of water quality impairment, and the
8 conservation, development, use, and disposal of water in the
9 watersheds of Indiana to accomplish the following:
10 (1) Conserve the natural resources, including wildlife.
11 (2) Control floods.
12 (3) Prevent impairment of dams and reservoirs.
13 (4) Assist in maintaining the navigability of rivers and harbors.
14 (5) Protect the water quality of lakes and streams.
15 (6) Protect the tax base.
16 (7) Protect public land.
17 (8) Protect and promote the health, safety, and general welfare of

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1 the people of Indiana.
 2 (9) Protect a high quality water resource.
 3 **(10) Protect and improve soil quality.**
 4 SECTION 2. IC 14-32-4-1, AS AMENDED BY P.L.175-2006,
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]: Sec. 1. (a) The governing body of a district consists of
 7 five (5) supervisors as follows:
 8 (1) Two (2) who are appointed.
 9 (2) Three (3) who are elected.
 10 (b) To hold the position of elected supervisor, an individual:
 11 (1) must be an occupier of a tract of land that is
 12 ~~(A) more than ten (10) acres in area; and~~
 13 ~~(B) located within the district;~~
 14 (2) must maintain the individual's permanent residence within the
 15 district; and
 16 (3) must be qualified by training and experience to perform the
 17 duties that this article imposes on supervisors.
 18 However, the ten (10) acre requirement may be waived if a district
 19 requests a waiver and the waiver is approved by the board.
 20 (c) To hold the position of appointed supervisor, an individual:
 21 (1) must be of voting age;
 22 (2) must maintain the individual's permanent residence within the
 23 district; and
 24 (3) must be qualified by training and experience to perform the
 25 duties that this article imposes on supervisors.
 26 SECTION 3. IC 14-32-4-6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) During the first
 28 quarter of each calendar year, each district shall hold an annual
 29 meeting of all land occupiers in the district. The meeting shall be held
 30 on a date designated by the supervisors. The supervisors shall give due
 31 notice of the time and place of the meeting.
 32 (b) At the meeting:
 33 (1) the supervisors shall make a full and an accurate report of the
 34 activities and financial affairs of the district since the previous
 35 annual meeting; and
 36 (2) an election shall be conducted by ~~secret ballot of~~ the land
 37 occupiers present ~~of to elect~~ one (1) supervisor ~~who has to~~ a three
 38 (3) year term of office beginning on the date of the meeting.
 39 (c) The supervisors shall provide a copy of the annual report
 40 presented at the meeting to the board and, upon request, to:
 41 (1) other cooperating agencies;
 42 (2) residents of the district; and

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1 (3) any other individual or entity that requests a copy of the
2 annual report.

3 SECTION 4. IC 14-32-4-8, AS AMENDED BY P.L.175-2006,
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 8. The election committee appointed under section
6 7 of this chapter shall do the following:

7 (1) Select qualified individuals as prospective nominees to fill any
8 vacancies that exist among the elected supervisors of the district.

9 (2) Contact and ascertain the willingness and ability of each
10 individual to serve if elected.

11 (3) Submit the list of nominees with the qualifications for
12 certification and printing of a sample ballot to the board by
13 December 1.

14 (4) Place the names of the prospective nominees selected under
15 subdivisions (1) and (2) in nomination at the meeting and provide
16 an opportunity for additional nominations to be made from the
17 floor.

18 (5) After nominations are closed:

19 (A) if only one (1) candidate is nominated, allow for the
20 election of the sole candidate by the land occupiers by a
21 show of hands; and

22 (B) if more than one (1) candidate is nominated, distribute
23 a ballot to each land occupier present at the meeting.

24 (6) If a ballot is distributed, collect and count the ballots after
25 each land occupier present at the meeting has had an opportunity
26 to vote.

27 (7) Report the results of the election to the chairman.

28 SECTION 5. IC 14-32-4-18 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The supervisors
30 of a district:

31 (1) may employ necessary personnel, subject to IC 36-2-5-3 and
32 IC 36-2-5-7; and

33 (2) shall:

34 (A) determine the qualifications and duties of the personnel;
35 and

36 (B) provide supervision to personnel.

37 (b) In any district except a district containing a consolidated city, an
38 employee of the district:

39 (1) is considered to be an employee of the county in which the
40 employee works, except as provided in subsection (c); and

41 (2) is eligible for and shall be included in all fringe benefit
42 programs provided for employees of the county.

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(c) An employee of a district whose position is funded entirely from sources outside the county in which the employee works solely on the basis of the funding of the employee's position is not considered an employee of the county.

SECTION 6. IC 14-32-8-7, AS AMENDED BY P.L.175-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. Money in the fund may be spent in the following ways:

- (1) To increase district technical assistance in local conservation efforts.
- (2) To develop an environmental stewardship program to assist land occupiers in complying with environmental regulations voluntarily.
- (3) To qualify for federal matching funds. ~~for county soil survey computerization.~~
- (4) To provide for the following cost sharing programs:
 - (A) A program to encourage land occupiers to implement conservation practices to reduce nutrient, pesticide, and sediment runoff.
 - (B) Programs that encourage land occupiers to implement nutrient management programs by sharing the cost of any of the following:
 - (i) Fencing for intensive grazing systems.
 - (ii) Purchasing nutrient management equipment.
 - (iii) Voluntary environmental audits.
 - (iv) Other similar expenditures related to nutrient management.
- (5) To provide matching grants to districts for the following:
 - (A) Professional watershed coordinators to facilitate and administer local watershed protection projects.
 - (B) District managers to administer district conservation policies and programs.
- (6) To increase state technical and capacity building assistance to districts and local conservation efforts by providing for the following:
 - (A) Capacity building specialists to train district personnel in grant writing, grant administration, and leadership development.
 - (B) Conservation education specialists to help implement district conservation education efforts.
 - (C) Urban storm water specialists to provide technical assistance to developers to contain soil erosion on construction

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- 1 sites.
- 2 (7) To make distributions as provided under section 8 of this
- 3 chapter.
- 4 (8) Implementation of geographic information systems (GIS) or
- 5 similar technology.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1348, 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.

EBERHART, Chair

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1348, 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 1348 as printed January 28, 2011.)

MISHLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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