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.

HOUSE ENROLLED ACT No. 1348

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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 14-32-1-2, AS AMENDED BY P.L.175-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. In light of the determination set forth in section 1 of this chapter, it is the policy of the general assembly to provide for the proper management of soil and water resources, the control and prevention of soil erosion, the prevention of flood water and sediment damage, the prevention of water quality impairment, and the conservation, development, use, and disposal of water in the watersheds of Indiana to accomplish the following:

(1) Conserve the natural resources, including wildlife.
(2) Control floods.
(3) Prevent impairment of dams and reservoirs.
(4) Assist in maintaining the navigability of rivers and harbors.
(5) Protect the water quality of lakes and streams.
(6) Protect the tax base.
(7) Protect public land.
(8) Protect and promote the health, safety, and general welfare of the people of Indiana.
(9) Protect a high quality water resource.
(10) Protect and improve soil quality.

SECTION 2. IC 14-32-4-1, AS AMENDED BY P.L.175-2006,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The governing body of a district consists of five (5) supervisors as follows:

(1) Two (2) who are appointed.

(2) Three (3) who are elected.

(b) To hold the position of elected supervisor, an individual:

(1) must be an occupier of a tract of land that is

~~(A) more than ten (10) acres in area; and~~

~~(B)~~ located within the district;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

~~However, the ten (10) acre requirement may be waived if a district requests a waiver and the waiver is approved by the board.~~

(c) To hold the position of appointed supervisor, an individual:

(1) must be of voting age;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

SECTION 3. IC 14-32-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) During the first quarter of each calendar year, each district shall hold an annual meeting of all land occupiers in the district. The meeting shall be held on a date designated by the supervisors. The supervisors shall give due notice of the time and place of the meeting.

(b) At the meeting:

(1) the supervisors shall make a full and an accurate report of the activities and financial affairs of the district since the previous annual meeting; and

(2) an election shall be conducted by ~~secret ballot of~~ the land occupiers present ~~of~~ **to elect** one (1) supervisor ~~who has~~ **to** a three (3) year term of office beginning on the date of the meeting.

(c) The supervisors shall provide a copy of the annual report presented at the meeting to the board and, upon request, to:

(1) other cooperating agencies;

(2) residents of the district; and

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

SECTION 4. IC 14-32-4-8, AS AMENDED BY P.L.175-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2011]: Sec. 8. The election committee appointed under section 7 of this chapter shall do the following:

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

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

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

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

(5) After nominations are closed:

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

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

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

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

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

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

(2) shall:

(A) determine the qualifications and duties of the personnel; **and**

(B) provide supervision to personnel.

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

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

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

(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.

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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 sites.

(7) To make distributions as provided under section 8 of this chapter.

(8) Implementation of geographic information systems (GIS) or

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similar technology.

SECTION 7. IC 14-33-5-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 20.5. (a) A board may adopt a resolution allowing money to be disbursed for lawful district purposes under this section.**

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board, the financial clerk of the district may make claim payments in advance of board allowance for the following kinds of expenses if the board has adopted a resolution under subsection (a):

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs for which advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental agreements.

(9) Bond or coupon payments.

(10) Payroll.

(11) State or federal taxes.

(12) Expenses that must be paid because of emergency circumstances.

(13) Expenses described in a resolution.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the financial clerk of the district.

(d) The board shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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