

SENATE BILL No. 205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-26.

Synopsis: Regional sewer districts. Requires that the board of trustees (board) of a regional sewer district (district) must be elected. Provides for the transition from an appointed to an elected board.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 205



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 SECTION 1. IC 13-26-2-8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) After the hearing
 3 on the petition for the establishment of the proposed district, which
 4 may be adjourned periodically, the hearing officer shall make findings
 5 on the petition and other relevant facts and recommendations as to
 6 whether:
 7 (1) the petition should be:
 8 (A) approved;
 9 (B) approved with modifications; or
 10 (C) denied; and
 11 (2) a district should be established.
 12 (b) If the recommendation is in the affirmative, the recommendation
 13 must also include recommendations on:
 14 (1) the manner of the selection; ~~or appointment~~;
 15 (2) the number; and
 16 (3) the terms;
 17 of the board.



1 (c) The description of the territory to be included in a district may
 2 not include territory in a municipality that has, by ordinance or
 3 resolution filed with the department, exercised the option not to be
 4 included in the district.

5 SECTION 2. IC 13-26-2-10 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) If the
 7 commissioner determines that the findings show that the establishment
 8 of a recommended district:

9 (1) complies with the conditions of this chapter for establishment
 10 of a district; and

11 (2) appears capable of accomplishing the purpose or purposes in
 12 an economically feasible manner;

13 the commissioner shall issue an order directing that the district be
 14 established as an independent municipal corporation with a name and
 15 for the purposes designated in the order.

16 (b) An order must do the following:

17 (1) Provide for the selection ~~or appointment~~ and terms of offices,
 18 not to exceed four (4) years, of the board **as follows:**

19 **(A) For an order issued before July 1, 2013, by election or**
 20 **appointment.**

21 **(B) For an order issued after June 30, 2013, by election.**

22 (2) Provide requirements for sufficient bond for all officers,
 23 trustees, or employees having power to dispense money of the
 24 district.

25 (3) If an eligible entity with territory in the district has a public
 26 water or solid waste sewer system, contain provisions protecting
 27 the investments of the entities and protecting the rights of the
 28 holders of bonds or other obligations issued to provide money for
 29 the system.

30 (4) Direct the district to file a detailed plan for the initial project
 31 of the district not later than nine (9) months after the date of the
 32 preliminary order or within a further time that the department
 33 from time to time orders.

34 **(c) An order issued before July 1, 2013, is subject to amendment**
 35 **under IC 13-26-4-9.**

36 SECTION 3. IC 13-26-4-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) An order **issued**
 38 **before July 1, 2013**, establishing a district may provide for the board
 39 to be elected by the voters in the district from districts or wards or from
 40 the district at large.

41 **(b) An order issued after June 30, 2013, establishing a district**
 42 **must provide for the board to be elected by the voters in the**

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1 **district from districts or wards or from the district at large.**

2 (c) Elections and provisions for filling vacancies must be in
3 accordance with IC 3, with the commissioner or the commissioner's
4 designees performing the functions of the election officials.

5 SECTION 4. IC 13-26-4-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) **This section
7 does not apply to orders issued after June 30, 2013.**

8 (b) Instead of electing the board, an order establishing a district may
9 provide for appointments to the board by the elected executive or
10 legislative officers of the eligible entities having territory in the district.

11 SECTION 5. IC 13-26-4-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) **This section
13 does not apply to orders issued after June 30, 2013.**

14 (a) (b) If:

- 15 (1) a district will include territory in more than one (1) county;
16 (2) a county executive has filed a petition for a district including
17 territory owned, leased, or controlled by the department of natural
18 resources; or
19 (3) the department of natural resources has filed a petition;

20 the order establishing the district may provide that the governor
21 appoints any number of trustees, but less than one-half (1/2) of the
22 total.

23 (b) (c) If a district contains or a proposed district will contain a state
24 correctional facility, the department, when:

- 25 (1) issuing an order establishing the district under IC 13-26-2-10;
26 or
27 (2) approving or modifying a petition filed by the district's board
28 of trustees under IC 13-26-1-2;

29 may allow for the appointment of one (1) member of the board of
30 trustees of the district by the commissioner of the department of
31 correction.

32 SECTION 6. IC 13-26-4-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) **This section
34 does not apply to an order issued after June 30, 2013.**

35 (b) If a plan also contemplates that sewage treatment for the district
36 will be provided in cooperation with a municipality, the order must
37 provide that:

- 38 (1) at least one (1) trustee shall be appointed by the executive of
39 the municipality; and
40 (2) at least:
41 (A) one (1) trustee shall be appointed by the fiscal body; and
42 (B) one (1) trustee shall be appointed by the executive;

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1 of the county having the largest amount of territory in the district.
2 SECTION 7. IC 13-26-4-9 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2013]: **Sec. 9. (a) This section applies to an order that:**
5 **(1) is issued before July 1, 2013; and**
6 **(2) provides for appointment of at least one (1) trustee.**
7 **(b) Not later than January 1, 2014, an order must be amended**
8 **to provide for:**
9 **(1) the election of all trustees in accordance with IC 3, with**
10 **the commissioner or the commissioner's designees performing**
11 **the functions of the election officials; and**
12 **(2) the transition from appointed to elected trustees.**

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