

ARTICLE 32. SOIL AND WATER CONSERVATION

IC 14-32-5

Chapter 5. Powers and Duties of Districts

IC 14-32-5-1

Sec. 1. (a) A district constitutes a governmental subdivision of the state and a public body corporate and politic exercising public powers.

(b) A district may do the following:

(1) Carry out soil erosion and water runoff preventive and control measures within the district, including engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in IC 14-32-1-1(7) and IC 14-32-1-1(8), on the following:

(A) Land owned or controlled by the state with the consent and cooperation of the agency administering and having jurisdiction of the land.

(B) Any other land within the district upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(2) Construct, improve, operate, and maintain the structures that are necessary or convenient for the performance of any of the operations authorized in this article.

(3) Cooperate or enter into agreements with, and within the limits of appropriations made available to the district by law to furnish financial or other aid to, a federal, state, or other agency or an occupier of land within the district in the carrying on of conservation operations within the district, subject to the conditions that the supervisors consider necessary to advance the purpose of this article.

(4) Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, real or personal property or rights or interests in property.

(5) Maintain, administer, and improve property acquired, receive income from the property, and expend the income in carrying out this article.

(6) Sell, lease, or otherwise dispose of property or interests in property in furtherance of this article.

(7) Make available to land occupiers within the district, on terms that the district prescribes:

(A) agricultural and engineering machinery and equipment;

(B) fertilizer;

(C) seeds;

(D) seedlings;

(E) other material or equipment; and

(F) services from the district; that will assist in conserving the soil and water resources of the land occupiers.

(8) Develop or participate in the development of comprehensive plans for the proper management of soil and water resources within the district that specify the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans.

(9) Publish plans and information developed under subdivision (8) and bring the plans and information to the attention of land occupiers within the district.

(10) Take over, with the consent of the United States or the state, by purchase, lease, or otherwise, and administer any soil and water conservation, erosion control, water quality protection, or flood prevention project of the entity located within the district's boundaries.

(11) Manage, as agent of the United States or the state, any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(12) Act as agent for the United States or the state in connection with the acquisition, construction, operation, or administration of any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

- (13) Accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States and use or expend the services, materials, or other contributions in carrying on the district's operations.
- (14) Sue and be sued in the name of the district.
- (15) Have perpetual succession unless terminated as provided in this article.
- (16) Make and execute contracts and other instruments necessary or convenient to the exercise of the district's powers.
- (17) Adopt rules and regulations consistent with this article to carry into effect the purposes and powers of this article.
- (18) Require an occupier of land not owned or controlled by the state, as a condition to extending benefits under this article to or the performance of work upon the land, to do either or both of the following:
 - (A) Make contributions in money, services, materials, or otherwise to an operation conferring benefits.
 - (B) Enter into agreements or covenants concerning the use and treatment of the land that will tend to:
 - (i) prevent or control soil erosion;
 - (ii) achieve water conservation and water quality protection; and
 - (iii) reduce flooding; on the land.
- (19) Cooperate with the state in the following:
 - (A) Conducting surveys, investigations, and research relating to the character of soil erosion and water losses and the preventive and control measures needed.
 - (B) Publishing the results of the surveys, investigations, or research.
 - (C) Disseminating information concerning the preventive and control measures.
- (20) Cooperate with the state in conducting, within the district, soil and water conservation, erosion control, water quality protection, and flood prevention demonstration projects:
 - (A) on land owned or controlled by the state with the agency administering and having jurisdiction of the land; and
 - (B) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.
- (21) Serve as the management agency for:
 - (A) the erosion and sediment part of 33 U.S.C. 1288 (P.L. 92-500, section 208); and
 - (B) other erosion and sediment reduction programs that affect water quality in each county.

IC 14-32-5-2 - Operation, or disposition of property

IC 14-32-5-3 – Bids for property

IC 14-32-5-3.5 – Certificate of Organization

IC 14-32-5-4 - Landfills

IC 14-32-5-5

Sec. 5. A district may not do any of the following:

- (1) Exercise the right of eminent domain.
- (2) Incur indebtedness beyond available money.
- (3) Issue bonds.
- (4) Take contributions by exactions or persuasions. However, the district may accept voluntary contributions from any source if the following conditions are met:
 - (A) The donations are offered for the sole and exclusive purpose of promoting soil and water conservation within the district.
 - (B) The district satisfactorily guarantees to the donors the faithful use of the donations for that purpose.
- (5) Engage in:
 - (A) the marketing of farm products; or
 - (B) the buying and selling of farm supplies; other than those products or supplies used or needed directly or indirectly in soil and water conservation work.
- (6) Engage in agricultural research or agricultural extension teaching except in cooperation with Purdue University.