

SENATE BILL No. 277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-33.

Synopsis: Conservancy district board membership. Provides that the board of directors of a conservancy district may file a petition with the court to add two members on the board to represent the district at large. Provides that if a district that was merged has added at-large directors to the board, the court shall appoint two directors on the initial board to represent the district at large.

Effective: July 1, 2021.

Becker

January 11, 2021, read first time and referred to Committee on Natural Resources.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 277

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 14-33-2-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. (a) If the court
3 orders a district established, the court shall in the order establishing the
4 district determine the following:

- 5 (1) The number of directors to serve on the board and the
- 6 procedures for the election of the directors.
- 7 (2) The division of the district into areas.
- 8 (3) The time of the annual meeting of the district, which must be
- 9 before March 1 each year.

10 (b) After the district is established, the board of directors of the
11 conservancy district may **submit any of the following petition**
12 **petitions** to the court to modify its order: ~~to:~~

- 13 (1) **A petition to change the procedures for election of the**
- 14 **directors as provided in IC 14-33-5-2.**
- 15 (2) **A petition to add two (2) at-large directors as provided in**
- 16 **IC 14-33-5-1.5.**

17 SECTION 2. IC 14-33-5-1.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2021]: **Sec. 1.5. (a) Upon receipt of a petition from the board of**
3 **directors of a conservancy district, the court may modify the order**
4 **establishing the district under IC 14-33-2-27 to add two (2)**
5 **directors to the board to represent the district at large.**

6 **(b) If the order establishing the district is modified under**
7 **subsection (a), the court shall appoint two (2) at-large directors to**
8 **serve on the board until the next annual meeting held after the**
9 **order is modified.**

10 **(c) The following apply at the next annual meeting held after the**
11 **order establishing the district is modified:**

12 **(1) Two (2) at-large directors shall be elected as provided in**
13 **sections 2 through 9 of this chapter.**

14 **(2) Each at-large director is elected for a term of four (4)**
15 **years.**

16 **(d) If at-large directors are added to the board under this**
17 **section, the number of directors to serve on the board may exceed**
18 **the number of directors permitted by IC 14-33-2-4.**

19 SECTION 3. IC 14-33-17-16 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 16. (a) Notwithstanding**
21 **IC 14-33-5-1 and IC 14-33-5-11, if a majority of those voting favors**
22 **merger of the districts, the court shall, upon receiving certification of**
23 **the results, appoint an initial board. **Except as provided in subsection****
24 **(e), the initial board consists of seven (7) members, with one (1)**
25 **member from each of the areas of the new district established as**
26 **provided in section 17 of this chapter.**

27 **(b) A director on the initial board:**

28 **(1) must be:**

29 **(A) a freeholder of the area the director represents; or**

30 **(B) an officer or a nominee of a corporate freeholder of the**
31 **area the director represents; and**

32 **(2) does not have to be a petitioner to qualify for appointment.**

33 **(c) In selecting the initial board, the court shall appoint four (4) of**
34 **the initial directors as follows:**

35 **(1) Two (2) directors who have had prior experience as a director**
36 **on the board of one (1) of the two (2) districts that were merged.**

37 **(2) Two (2) directors who have had prior experience as a director**
38 **on the board of the other district that was merged.**

39 **(d) The terms of the initial directors are as provided in**
40 **IC 14-33-5-11.**

41 **(e) If a district that was merged under this chapter has added**
42 **at-large directors to the board under IC 14-33-5-1.5, the court shall**



1 **appoint two (2) directors on the initial board to represent the**
 2 **district at large. The court shall appoint the at-large directors as**
 3 **follows:**

4 **(1) One (1) at-large director who has had prior experience as**
 5 **a director on the board of one (1) of the two (2) districts that**
 6 **were merged.**

7 **(2) One (1) at-large director who has had prior experience as**
 8 **a director on the board of the other district that was merged.**

9 SECTION 4. IC 14-33-17-17 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a)
 11 Notwithstanding:

12 (1) section 5 of this chapter; and

13 (2) IC 14-33-2-4;

14 the new district shall be composed of seven (7) areas established by the
 15 court. Each area must contain approximately the same number of
 16 freeholders.

17 (b) The board consists of:

18 **(1) seven (7) members, with one (1) member from each of the**
 19 **areas of the new district; and**

20 **(2) if applicable, two (2) at-large members as provided in**
 21 **section 16(e) of this chapter.**

22 **(c) This subsection does not apply to an at-large director elected**
 23 **under section 17.5 of this chapter.** After the appointment of the initial
 24 directors, the subsequent directors shall be elected as provided in
 25 IC 14-33-5-2 through IC 14-33-5-9, except that freeholders may vote
 26 only for the nominees representing the area of the freeholder. In
 27 addition:

28 (1) a director must be:

29 (A) a freeholder of the area the director represents; or

30 (B) an officer or a nominee of a corporate freeholder of the
 31 area the director represents; and

32 (2) nominations for a director may only be made by the
 33 freeholders of the director's area.

34 SECTION 5. IC 14-33-17-17.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 36 **[EFFECTIVE JULY 1, 2021]: Sec. 17.5. The following apply to the**
 37 **election of an at-large director:**

38 **(1) An at-large director is elected as provided in**
 39 **IC 14-33-5-1.5 through IC 14-33-5-9.**

40 **(2) One (1) at-large director must be a freeholder of the**
 41 **merged district.**

42 **(3) One (1) at-large director must be an officer or a nominee**



1 **of a corporate freeholder of the merged district.**
2 **(4) Nominations for an at-large director may only be made by**
3 **the freeholders of the merged district.**

