



increasing floods.

(J) Economic hardship for those attempting to farm land that is eroded or subject to frequent flooding.

(K) Damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms.

(L) Losses in navigation, hydroelectric power, municipal water supply, recreational water development, irrigation developments, farming, and grazing.

(7) That to conserve soil and water resources, control and prevent soil erosion, protect water quality, reduce flood damage, and further the conservation development, use, and disposal of water, it is necessary that:

(A) land use practices contributing to soil and water wastage, water quality impairment, and soil erosion be discouraged and discontinued; and

(B) appropriate soil and water conserving land use practices and works of improvement for flood prevention or the conservation development, use, and disposal of water be adopted and carried out.

(8) That among the procedures necessary for widespread adoption are the following:

(A) Carrying on of engineering operations such as the construction of flood preventing reservoirs and channels, terraces, terrace outlets, check dams, dikes, ponds, ditches, and similar operations.

(B) The use of soil protecting agronomic practices, such as strip cropping, contour cropping, and conservation tillage.

(C) Land irrigation.

(D) Seeding and planting of sloping, abandoned, or eroded land to water-conserving and erosion-preventing plants, trees, and grasses.

(E) Forestation and reforestation.

(F) Rotation of crops.

(G) Soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops.

(H) Retardation of runoff by impounding the runoff water behind structures, by increasing the absorption of rainfall, and by retiring from cultivation all steep, highly erosive areas and areas already badly eroded.

(I) The use of water quality protection practices, including nutrient and pesticide management on all lands.

[Pre-1995 Recodification Citation: 13-3-1-2(a), (b), (c).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.7; P.L.175-2006, SEC.2.*

#### **IC 14-32-1-2 Conservation policies**

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.

[Pre-1995 Recodification Citation: 13-3-1-2(d).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.8; P.L.175-2006, SEC.3;  
P.L.129-2011, SEC.1.*

**IC 14-32-2 Chapter 2. Soil Conservation Board**

14-32-2-1	Establishment
14-32-2-2	Members
14-32-2-3	Qualifications of members
14-32-2-4	Term for members
14-32-2-5	Travel expenses and per diem salary
14-32-2-6	Repealed
14-32-2-7	Appointment of advisory members
14-32-2-8	Election of chairman of the board
14-32-2-9	Quorum
14-32-2-10	Delegation of powers and duties
14-32-2-11	Attorney general providing legal services
14-32-2-12	Duties of board
14-32-2-13	Public hearings

**IC 14-32-2-1 Establishment**

Sec. 1. The soil conservation board is established within the Indiana state department of agriculture established by IC 15-11-2-1 as the policy making body for soil and water conservation.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.1-2006, SEC.218; P.L.175-2006, SEC.4; P.L.2-2008, SEC.33; P.L.120-2008, SEC.11.*

**IC 14-32-2-2 Members**

Sec. 2. The board consists of the following seven (7) members:

- (1) Four (4) members who must be land occupiers with farming interests, appointed by the governor.
- (2) Three (3) members who must be land occupiers with nonfarming interests, appointed by the governor.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.9; P.L.1-2006, SEC.219; P.L.175-2006, SEC.5.*

**IC 14-32-2-3 Qualifications of members**

Sec. 3. (a) A majority of the seven (7) appointed members of the board must have experience as district supervisors.

(b) In making appointments to the board, the governor may invite and consider the recommendations of the following:

- (1) The Purdue University cooperative extension service.
- (2) The Indiana state department of agriculture.
- (3) The Indiana Association of Soil and Water Conservation Districts.

(c) All appointments to the board shall be made without regard to political affiliation.

(d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.10; P.L.1-2006, SEC.220; P.L.175-2006, SEC.6; P.L.120-2008, SEC.12.*

**IC 14-32-2-4 Term for members**

Sec. 4. The term of an appointed member of the board is four (4) years. An appointed member shall serve until a successor is appointed and has qualified. The terms shall be staggered so that at least three (3) members are appointed every two (2) years.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part, (c) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.11; P.L.175-2006, SEC.7.*

**IC 14-32-2-5 Travel expenses and per diem salary**

Sec. 5. The appointed members of the board are entitled to the following:

- (1) Reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (2) The minimum salary per diem as provided in IC 4-10-11-2.1(b) for each day that the members are engaged in the official business of the board.

[Pre-1995 Recodification Citation: 13-3-1-4(c) part.]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-2-6 Repealed**

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L.1-1995, SEC.25. Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-2-7 Appointment of advisory members**

Sec. 7. (a) The governor may appoint advisory members from other organizations that promote conservation, including local, state, and federal agencies upon the recommendation of the board.

(b) The governor shall appoint members to the advisory board that represent the following:

- (1) The Indiana state department of agriculture.
- (2) The department of natural resources.
- (3) The department of environmental management.
- (4) The Purdue University cooperative extension service.
- (5) The Indiana Association of Soil and Water Conservation Districts.
- (6) The Farm Service Agency of the United States Department of Agriculture.
- (7) The Natural Resources Conservation Service of the United States Department of Agriculture.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.175-2006, SEC.8; P.L.120-2008, SEC.13.*

**IC 14-32-2-8 Election of chairman of the board**

Sec. 8. (a) The members of the board shall elect a member as the chairman of the board.

(b) The director of the division of soil conservation established within the Indiana state department of agriculture by IC 15-11-4-1 is the secretary of the board.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part, (b) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.12; P.L.1-2006, SEC.221; P.L.2-2008, SEC.34; P.L.120-2008, SEC.14.*

**IC 14-32-2-9 Quorum**

Sec. 9. A majority of the members of the board constitutes a quorum. The concurrence of a majority of the members is required for the board to take any action.

[Pre-1995 Recodification Citation: 13-3-1-4(c) part.]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-2-10 Delegation of powers and duties**

Sec. 10. The board may delegate the powers and duties that the board considers proper to:

- (1) the chairman of the board;
- (2) any of the members of the board; or
- (3) the division of soil conservation.

[Pre-1995 Recodification Citation: 13-3-1-4(b) part.]  
*As added by P.L.1-1995, SEC.25.*

**IC 14-32-2-11 Attorney general providing legal services**

Sec. 11. (a) The board may call upon the attorney general for the legal services that the board requires.

(b) For the purpose of carrying out any of the board's functions, the supervising officers of a state agency or of a state educational institution shall, upon request of the board, do the following:

- (1) Assign or detail to the board any personnel of the agency or educational institution, taking into account available appropriations and the needs of the entity to which the request is directed.
- (2) Make the special reports, surveys, or studies that the board requests.

[Pre-1995 Recodification Citation: 13-3-1-4(b) part.]  
*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.13.*

**IC 14-32-2-12 Duties of board**

Sec. 12. The board shall do the following:

- (1) Provide for the execution of surety bonds for all board employees and officers who are entrusted with money or property.
- (2) Provide for the keeping of a full and accurate record of all board proceedings and of all resolutions and rules the board issues or adopts. The accounts of receipts and disbursements are subject to examination by the state board of accounts.
- (3) Offer appropriate assistance to the supervisors of soil and water conservation districts to carry out district powers and programs.
- (4) Keep the supervisors of districts informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among districts.
- (5) Coordinate the programs of the districts as far as this may be done by advice and consultation.
- (6) Secure the cooperation and assistance of the United States and state agencies in the work of the districts. However, this subdivision does not authorize either of the following:
  - (A) The transfer or control of authority over districts to a federal agency.
  - (B) The transfer of title of land or control to the United States.
- (7) Disseminate information throughout Indiana concerning the activities and programs of the districts and encourage the formation of districts in areas where organization is desirable.
- (8) Coordinate the erosion and sediment part of 33 U.S.C. 1288 (Public Law 92-500, Section 208) and other erosion and sediment reduction programs that affect water quality, in cooperation with state and federal agencies and through districts as provided under IC 14-32-5-1.
- (9) Develop a statewide regulatory program to be initiated after all reasonable voluntary approaches to erosion and sediment reduction have been exhausted.
- (10) Conduct an inventory of conservation needs for planning purposes and to inform the general assembly.
- (11) Hold meetings in locations throughout Indiana.
- (12) Adopt rules under IC 4-22-2 to implement this article.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part, (c) part, (d).]  
*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.14; P.L.175-2006, SEC.9.*

**IC 14-32-2-13 Public hearings**

Sec. 13. The board may perform the acts and hold the public hearings that are necessary

for the execution of the board's functions under this article.

[Pre-1995 Recodification Citation: 13-3-1-4(a) part.]

*As added by P.L. 1-1995, SEC. 25.*

**IC 14-32-3 Chapter 3. Repealed**

[Pre-1995 Recodification Citations:

14-32-3-1	formerly 13-3-1-5(a) part
14-32-3-2	formerly 13-3-1-5(a) part
14-32-3-3	formerly 13-3-1-5(a) part
14-32-3-4	formerly 13-3-1-5(b) part
14-32-3-5	formerly 13-3-1-5(b) part
14-32-3-6	formerly 13-3-1-5(b) part
14-32-3-7	formerly 13-3-1-5(b) part
14-32-3-8	formerly 13-3-1-5(b) part
14-32-3-9	formerly 13-3-1-5(c) part
14-32-3-10	formerly 13-3-1-5(c) part
14-32-3-11	formerly 13-3-1-5(d)
14-32-3-12	formerly 13-3-1-5(e)
14-32-3-13	formerly 13-3-1-5(f) part
14-32-3-14	formerly 13-3-1-5(f) part
14-32-3-15	formerly 13-3-1-5(f) part
14-32-3-16	formerly 13-3-1-5(f) part
14-32-3-17	formerly 13-3-1-5(f) part
14-32-3-18	formerly 13-3-1-5(g)
14-32-3-19	formerly 13-3-1-5(h)
14-32-3-20	formerly 13-3-1-5(i).]

*Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-4 Chapter 4. Supervisors**

14-32-4-1	Number and qualifications
14-32-4-2	Repealed
14-32-4-3	Repealed
14-32-4-4	Repealed
14-32-4-5	Repealed
14-32-4-6	Annual meeting; agenda
14-32-4-7	Election committee; composition and annual meeting
14-32-4-8	Election committee duties
14-32-4-9	Election results
14-32-4-10	Appointed supervisor; term; filling position upon expiration of term
14-32-4-10.5	Appointment of associate supervisors
14-32-4-11	Oath of office
14-32-4-12	Successor to supervisor
14-32-4-13	Elected supervisor; vacancy
14-32-4-13.5	Appointed supervisor; vacancy
14-32-4-14	Chairman
14-32-4-15	Removal of supervisor
14-32-4-16	Quorum
14-32-4-17	Travel expenses and per diem salary
14-32-4-18	Personnel
14-32-4-19	Legal counsel
14-32-4-20	Delegation of powers and duties
14-32-4-21	Information concerning supervisors' activities
14-32-4-22	Duties of supervisors
14-32-4-23	Municipality or county designating representative
14-32-4-24	Approval of claims

**IC 14-32-4-1 Number and qualifications**

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 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.
- (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.

[Pre-1995 Recodification Citation: 13-3-1-7(a).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.15; P.L.175-2006, SEC.10; P.L.129-2011, SEC.2.*

**IC 14-32-4-2 Repealed**

[Pre-1995 Recodification Citation: 13-3-1-6 part.]

*As added by P.L.1-1995, SEC.25. Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-4-3 Repealed**

[Pre-1995 Recodification Citation: 13-3-1-6 part.]

*As added by P.L.1-1995, SEC.25. Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-4-4 Repealed**

[Pre-1995 Recodification Citation: 13-3-1-6 part.]

*As added by P.L.1-1995, SEC.25. Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-4-5 Repealed**

[Pre-1995 Recodification Citations: 13-3-1-6 part; 13-3-1-7(b).]

*As added by P.L.1-1995, SEC.25. Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-4-6 Annual meeting; agenda**

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 the land occupiers present to elect one (1) supervisor 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.

[Pre-1995 Recodification Citation: 13-3-1-7(c).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.16; P.L.129-2011, SEC.3.*

**IC 14-32-4-7 Election committee; composition and annual meeting**

Sec. 7. (a) The election held at the annual meeting of land occupiers shall be conducted by an election committee appointed under this section.

(b) In October, the district chairman shall do the following:

- (1) Appoint an election committee made up of a supervisor as chairman and two (2) interested citizens.
- (2) Submit the names of the committee members to the board by November 1.

[Pre-1995 Recodification Citation: 13-3-1-7(g) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.17.*

**IC 14-32-4-8 Election committee duties**

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.

[Pre-1995 Recodification Citation: 13-3-1-7(g) part.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.18; P.L.175-2006, SEC.11; P.L.129-2011, SEC.4.*

**IC 14-32-4-9 Election results**

Sec. 9. (a) If a tie vote occurs in an election held at an annual meeting under this chapter, voting shall continue until the tie is broken.

(b) The individual receiving the highest number of votes is elected a supervisor for the three (3) year term. If there is also a vacancy to fill an unexpired term of an elected supervisor, the individual receiving the second highest number of votes is elected to fill the unexpired term.

(c) The chairman shall announce the individuals who have been elected and report the election results to the board.

[Pre-1995 Recodification Citation: 13-3-1-7(h).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.19.*

**IC 14-32-4-10 Appointed supervisor; term; filling position upon expiration of term**

Sec. 10. (a) The term of an appointed supervisor is three (3) years.

(b) Before the term of an appointed supervisor expires, the supervisor's position shall be filled as follows:

(1) Not later than November 1, the district supervisors shall recommend to the board in writing one (1) or more individuals qualified to fill the position.

(2) At the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation.

(3) The board shall notify the supervisors of the appointment made by the board.

[Pre-1995 Recodification Citation: 13-3-1-7(i).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.20.*

**IC 14-32-4-10.5 Appointment of associate supervisors**

Sec. 10.5. (a) The board may appoint associate supervisors to assist in performing duties in each district.

(b) Associate supervisors are nonvoting members of the board and may not hold officer positions on the board.

(c) Associate supervisors may be reimbursed for approved expenses but are not entitled to per diem.

*As added by P.L.175-2006, SEC.12.*

**IC 14-32-4-11 Oath of office**

Sec. 11. Newly elected and appointed supervisors shall assume the duties of office upon signing an oath of office at the conclusion of the annual meeting of the district.

[Pre-1995 Recodification Citation: 13-3-1-7(j).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.21.*

**IC 14-32-4-12 Successor to supervisor**

Sec. 12. A supervisor holds office until the supervisor's successor has been elected or appointed and qualified.

[Pre-1995 Recodification Citation: 13-3-1-7(e).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-13 Elected supervisor; vacancy**

Sec. 13. (a) If a vacancy in the position of elected supervisor occurs during the district's

operating year:

(1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;

(2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation and appoint an individual to temporarily fill the vacancy; and

(3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to temporarily fill a vacancy under subsection (a) shall serve until the district's next annual meeting.

(c) At the annual meeting immediately following the appointment of an individual to temporarily fill a vacant elected supervisor's position, the position shall be filled through the regular election procedure set forth in sections 6 through 9 of this chapter.

[Pre-1995 Recodification Citation: 13-3-1-7(f).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.22.*

#### **IC 14-32-4-13.5 Appointed supervisor; vacancy**

Sec. 13.5. (a) If a vacancy in the position of appointed supervisor occurs during a district's operating year:

(1) the district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the board in writing one (1) or more individuals qualified to fill the position;

(2) at the first board meeting held after the board receives a recommendation under subdivision (1), the board shall act upon the recommendation; and

(3) the board shall notify the supervisors of the appointment made by the board.

(b) The individual appointed to fill a vacant appointed supervisor position under subsection (a) shall serve the unexpired term of the individual's predecessor.

(c) At the expiration of the term of a supervisor appointed under this section, the position of appointed supervisor shall be filled through the regular appointment procedure set forth in section 10 of this chapter.

*As added by P.L.136-1997, SEC.23.*

#### **IC 14-32-4-14 Chairman**

Sec. 14. The supervisors shall designate a chairman and may change the designation.

[Pre-1995 Recodification Citation: 13-3-1-7(d).]

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-15 Removal of supervisor**

Sec. 15. The board may, upon notice and a hearing, remove a supervisor for neglect of duty or malfeasance in office, but for no other reason.

[Pre-1995 Recodification Citation: 13-3-1-7(k).]

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-16 Quorum**

Sec. 16. A majority of the supervisors constitutes a quorum and the concurrence of a majority of the supervisors is required for the determination of any matter.

[Pre-1995 Recodification Citation: 13-3-1-7(l).]

*As added by P.L.1-1995, SEC.25.*

#### **IC 14-32-4-17 Travel expenses and per diem salary**

Sec. 17. (a) A supervisor may be paid a salary per diem for any part of a day that the supervisor is engaged in the official business of the district in any amount not to exceed the salary per diem that may be paid by the state under IC 4-10-11-2.1(b).

(b) A supervisor may also receive for travel, lodging, meals, and other expenses any amount not to exceed the amount a county employee of the county in which the supervisor resides is entitled to receive under the policies and procedures established by the county.

(c) All amounts under this section shall be fixed by the supervisors of each district and paid from money of the district.

[Pre-1995 Recodification Citation: 13-3-1-7(m).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-18 Personnel**

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.

[Pre-1995 Recodification Citation: 13-3-1-7(n).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.24; P.L.129-2011, SEC.5.*

**IC 14-32-4-19 Legal counsel**

Sec. 19. (a) The supervisors and employees of a district are subject to IC 34-13-3.

(b) The supervisors of a district may employ their own counsel and legal staff.

[Pre-1995 Recodification Citation: 13-3-1-7(o).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.25; P.L.1-1998, SEC.111.*

**IC 14-32-4-20 Delegation of powers and duties**

Sec. 20. The supervisors may delegate the powers and duties that the supervisors consider proper to any of the following:

(1) The chairman.

(2) Any number of supervisors.

(3) Any number of agents or employees.

[Pre-1995 Recodification Citation: 13-3-1-7(p).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-21 Information concerning supervisors' activities**

Sec. 21. The supervisors of a district shall furnish to the board, upon request, copies of rules, contracts, forms, and other information concerning the activities of the supervisors that the board requires in the performance of duties under this article.

[Pre-1995 Recodification Citation: 13-3-1-7(q).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.26.*

**IC 14-32-4-22 Duties of supervisors**

Sec. 22. The supervisors of a district shall do the following:

(1) Provide for the execution of surety bonds for all district employees and officers who are entrusted with money or property.

(2) Provide for the keeping of a full and accurate record of all district proceedings and

of all district resolutions and orders issued or adopted.

(3) Provide for an annual audit of the accounts of receipts and disbursements of the district.

(4) Provide a copy of each annual financial statement of the district to the board not later than March 31.

[Pre-1995 Recodification Citation: 13-3-1-7(r).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.27; P.L.175-2006, SEC.13.*

**IC 14-32-4-23 Municipality or county designating representative**

Sec. 23. The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors on all questions of program and policy that affect the property, water supply, or other interests of the municipality or county.

[Pre-1995 Recodification Citation: 13-3-1-7(s).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-4-24 Approval of claims**

Sec. 24. (a) Claims against a district must be allowed and approved by the governing body of the district before payment by the district's fiscal officer. However, the governing body may, subject to review and approval at the governing body's next regular meeting, authorize the following:

- (1) Payroll.
- (2) Insurance premiums.
- (3) Utility payments.
- (4) Bulk mailing fees.
- (5) Maintenance agreements and service agreements.
- (6) Lease agreements and rental agreements.
- (7) Expenses that must be paid because of emergency circumstances.
- (8) Recurring or periodic expenses specifically authorized by a resolution adopted at a governing body meeting.

(b) Each payment under this section must be certified by the district's fiscal officer. The certification must be on a form prescribed by the state board of accounts.

*As added by P.L.52-2010, SEC.1.*

**IC 14-32-5****Chapter 5. Powers and Duties of Districts**

14-32-5-1	General powers
14-32-5-2	Inapplicable provisions
14-32-5-3	Bids, proposals, or quotations submitted by a trust
14-32-5-3.5	Certificate of organization; rebuttable presumption of establishment of district
14-32-5-4	"Landfill"; inspection
14-32-5-5	Prohibited actions
14-32-5-6	Cooperation among districts
14-32-5-7	State agencies and governmental subdivisions cooperating with districts
14-32-5-8	Appropriations

**IC 14-32-5-1****General powers**

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.

(D) The management of watersheds.

(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.

[Pre-1995 Recodification Citation: 13-3-1-8(a).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.28; P.L.175-2006, SEC.14.*

#### **IC 14-32-5-2 Inapplicable provisions**

Sec. 2. A provision concerning the acquisition, operation, or disposition of property by other public bodies does not apply to a district unless the provision specifically states that the

provision applies.

[Pre-1995 Recodification Citation: 13-3-1-8(b).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-5-3 Bids, proposals, or quotations submitted by a trust**

Sec. 3. If:

(1) a district disposes of real property or awards a contract for the procurement of property by acceptance of bids, proposals, or quotations; and

(2) a bid, proposal, or quotation is submitted by a trust (as defined in IC 30-4-1-1(a)); the bid, proposal, or quotation submitted by the trust must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

[Pre-1995 Recodification Citation: 13-3-1-8(c).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.29.*

**IC 14-32-5-3.5 Certificate of organization; rebuttable presumption of establishment of district**

Sec. 3.5. (a) In an action or proceeding that:

(1) relates to; or

(2) involves the validity or enforcement of;

a contract, proceeding, or action of a district, proof of the issuance of a certificate of organization to the district by the secretary of state creates a rebuttable presumption of the establishment of the district under this article or IC 13-3-1 (before its repeal).

(b) A copy of a certificate of organization that was issued to a district and certified by the secretary of state is:

(1) admissible in evidence in an action or proceeding referred to in subsection (a); and

(2) proof of the filing and contents of the certificate.

*As added by P.L.136-1997, SEC.30.*

**IC 14-32-5-4 "Landfill"; inspection**

Sec. 4. (a) As used in this section, "landfill" means a facility where solid waste is to be disposed of through placement on or beneath the surface of the ground. However, the term does not include any of the following:

(1) A land application operation regulated under 327 IAC 6.

(2) A surface impoundment.

(3) An injection well.

(4) A facility for the disposal of solid waste other than sludge from a municipal wastewater treatment plant that is:

(A) generated at the site of the facility; or

(B) generated by the owner or operator of the facility.

(5) An operation permitted under IC 14-34.

(b) As used in this section, "underground injection" means the subsurface emplacement of fluids through:

(1) a bored, drilled, or driven shaft; or

(2) a dug hole, the depth of which is greater than the hole's largest surface dimension.

(c) A district shall inspect every landfill located within the boundaries of the district for compliance with rules adopted under IC 13-18 or IC 13-19 concerning erosion and sediment control. Each landfill shall be inspected under this section at least two (2) times each calendar year as follows:

(1) One (1) time before July 1.

(2) One (1) time after June 30 and before December 31.

(d) Not later than ten (10) days after an inspection of a landfill under this section, the individual who conducted the inspection on behalf of the district shall prepare a written report on the results of the inspection and send the report to the following:

- (1) The executive of the county.
- (2) The commissioner of the department of environmental management.
- (3) The director of the division of soil conservation established within the Indiana state department of agriculture by IC 15-11-4-1.

[Pre-1995 Recodification Citation: 13-3-1-15(a)(2), (a)(3), (b), (c).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.31; P.L.1-2006, SEC.222; P.L.2-2008, SEC.35; P.L.120-2008, SEC.15.*

#### **IC 14-32-5-5 Prohibited actions**

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.
- (7) Levy taxes.
- (8) Make or levy benefit assessments or any other kind of assessments.

[Pre-1995 Recodification Citation: 13-3-1-8(d).]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.32.*

#### **IC 14-32-5-6 Cooperation among districts**

Sec. 6. Districts organized under this article or IC 13-3-1 (before its repeal) may cooperate with each other in carrying on the work of the districts. However, this section does not permit the transfer of authority or powers from one (1) district to another.

[Pre-1995 Recodification Citation: 13-3-1-9.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.33.*

#### **IC 14-32-5-7 State agencies and governmental subdivisions cooperating with districts**

Sec. 7. (a) An:

- (1) agency of the state; or
- (2) county or other governmental subdivision of the state;

that has jurisdiction over or is charged with the administration of publicly owned land lying within the boundaries of a district shall cooperate to the fullest extent with the district to effect programs and operations undertaken by the district under this article.

(b) The district shall be given free access to enter and perform work upon the publicly owned land referred to in subsection (a).

[Pre-1995 Recodification Citation: 13-3-1-10.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.34.*

#### **IC 14-32-5-8 Appropriations**

Sec. 8. The fiscal body of each county that contains a district in whole or in part may

appropriate money for the use of the district serving the county from which the appropriation is to be made.

[Pre-1995 Recodification Citation: 13-3-1-11.]

*As added by P.L. 1-1995, SEC. 25.*

**IC 14-32-6**

**Chapter 6. Repealed**

[Pre-1995 Recodification Citations:

14-32-6-1	formerly 13-3-1-12(a) part
14-32-6-2	formerly 13-3-1-12(a) part
14-32-6-3	formerly 13-3-1-12(a) part
14-32-6-4	formerly 13-3-1-12(a) part
14-32-6-5	formerly 13-3-1-12(a) part
14-32-6-6	formerly 13-3-1-12(a) part
14-32-6-7	formerly 13-3-1-12(a) part
14-32-6-8	formerly 13-3-1-12(b)
14-32-6-9	formerly 13-3-1-12(c) part
14-32-6-10	formerly 13-3-1-12(c) part
14-32-6-11	formerly 13-3-1-12(d)
14-32-6-12	formerly 13-3-1-12(e).]

*Repealed by P.L.136-1997, SEC.43.*

**IC 14-32-6.5****Chapter 6.5. Changing the Boundaries of a District or Dissolving a District**

14-32-6.5-1	Petitions to change boundaries or dissolve districts
14-32-6.5-2	Petition to change boundaries; conditions
14-32-6.5-3	Petition to change boundaries; requirements of territory proposed for inclusion
14-32-6.5-4	Petition to change boundaries; joint resolution of districts required
14-32-6.5-5	Petitions to change boundaries or dissolve districts; invalidity
14-32-6.5-6	Petitions to change boundaries or dissolve districts; hearing
14-32-6.5-7	Petitions to change boundaries or dissolve districts; considerations
14-32-6.5-8	Denial of petition
14-32-6.5-9	Denial of petition; record of determination; notice
14-32-6.5-10	Petitions to change boundaries or dissolve districts; procedures if not denied
14-32-6.5-11	Elections to change boundaries or dissolve districts; contents of ballots
14-32-6.5-12	Elections to change boundaries or dissolve districts; voting
14-32-6.5-13	Elections to change boundaries or dissolve districts; simple majority required to deny
14-32-6.5-14	Elections to change boundaries or dissolve districts; simple majority required to implement request
14-32-6.5-15	Appointed supervisors; terms
14-32-6.5-16	Letter of application; presentation to secretary of state; contents
14-32-6.5-17	Certificate of organization
14-32-6.5-18	Elected supervisors; petitions for nomination
14-32-6.5-19	Election of supervisors; contents of ballots
14-32-6.5-20	Elected supervisors; terms
14-32-6.5-21	Elected supervisors; oath of office; commencement of term
14-32-6.5-22	Dissolution; procedures; certificate
14-32-6.5-23	Dissolution; contracts remain in force
14-32-6.5-24	Denial of petition for change in boundaries; delay before similar request considered
14-32-6.5-25	Procedures for organization of new district in same territory as dissolved district

**IC 14-32-6.5-1      Petitions to change boundaries or dissolve districts**

Sec. 1. (a) Land occupiers of a district may file a petition with the board requesting either of the following:

- (1) That the boundaries of the district be changed to encompass territory described in the petition.
- (2) That the district cease to operate and be dissolved.

(b) A petition filed under this section must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the boundaries of the district referred to in the petition.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-2      Petition to change boundaries; conditions**

Sec. 2. In the case of a petition filed under section 1(a)(1) of this chapter to change the boundaries of a district, the following conditions apply:

- (1) The territory proposed for inclusion in the reconfigured district may consist of two (2) or more separate tracts, and the tracts need not be contiguous.
- (2) The petition must include a generally accurate description of the territory proposed for inclusion in the reconfigured district, but the territory need not be defined by metes and bounds or by legal subdivisions.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-3      Petition to change boundaries; requirements of territory proposed for inclusion**

Sec. 3. (a) If:

(1) a petition is filed under section 1(a)(1) of this chapter to change the boundaries of a district; and

(2) the territory proposed for inclusion in the reconfigured district includes all or part of the territory of one (1) or more existing districts;

the petition must meet the requirement set forth in subsection (b), subsection (c), or subsection (d).

(b) If the territory proposed for inclusion includes only a portion of the existing district, a petition described in subsection (a) must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the territory, except as provided in subsection (d).

(c) If the territory proposed for inclusion includes all or part of two (2) or more existing districts, the petition must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the part of each existing district that is proposed for inclusion, except as provided in subsection (d).

(d) If there are fewer than fifty (50) land occupiers whose tracts of land are located in:

(1) a territory referred to in subsection (b); or

(2) a part of a district referred to in subsection (c);

the petition must be signed by a majority of the land occupiers whose tracts of land are located within the territory or part of a district.

(e) The signature requirements of this section are in addition to the signature requirement imposed by section 1(b) of this chapter.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-4      Petition to change boundaries; joint resolution of districts required**

Sec. 4. (a) If:

(1) a petition is filed under section 1(a)(1) of this chapter to change the boundaries of a district; and

(2) the territory proposed for inclusion in the reconfigured district includes all or part of the territory of one (1) or more other existing districts;

the petition must be accompanied by a copy of a joint resolution described in subsection (b).

(b) The resolution required by this section must be adopted by the supervisors and certified by the secretary of:

(1) the district into which the territory proposed for inclusion would be incorporated; and

(2) each district whose territory would be incorporated into the district referred to in subdivision (1).

(c) The resolution required by this section must set forth:

(1) the amount of the assets and obligations that would be transferred to the district referred to in subsection (b)(1) by each district referred to in subsection (b)(2) as part of the incorporation of territory; and

(2) the amount of the assets and obligations of the district referred to in subsection (b)(1) that would be retained by the district after the incorporation of territory.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-5      Petitions to change boundaries or dissolve districts; invalidity**

Sec. 5. If a petition filed under section 1 of this chapter does not meet the requirements set forth in sections 1 through 4 of this chapter, the board shall:

(1) declare the petition invalid;

(2) in writing, inform the person who filed the petition that the petition is invalid, specifying the reason or reasons for the invalidity of the petition; and

(3) return the petition to the person who filed it for the incorporation of corrections to remedy the invalidity.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-6      Petitions to change boundaries or dissolve districts; hearing**

Sec. 6. (a) If a petition filed under section 1 of this chapter meets the requirements set forth in sections 1 through 4 of this chapter, the board shall do the following:

- (1) Not more than sixty (60) days after the filing of the petition, give due notice that a hearing will be held concerning the petition.
- (2) Pay all expenses arising from the issuance of the notice and the holding of the hearing.
- (3) Conduct the hearing.

(b) The hearing held on the petition shall be open to the public. The following may testify at the hearing:

- (1) A land occupier whose tract of land is located within the district or territory referred to in the petition.
- (2) An individual of voting age who resides within the district or territory referred to in the petition.

(c) Testimony may be presented at the hearing concerning:

- (1) the desirability and necessity, in the interest of the public welfare, of granting the petition;
- (2) the validity of:
  - (A) the petition; and
  - (B) proceedings conducted on the petition under this chapter; and
- (3) all questions relevant to the petition.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-7      Petitions to change boundaries or dissolve districts; considerations**

Sec. 7. (a) When considering a petition to change the boundaries of a district, the board shall consider and give due weight to the following:

- (1) The information presented at the hearing held under section 6 of this chapter.
- (2) The attitudes toward the change in district boundaries expressed by land occupiers whose tracts of land are located within the territory proposed for inclusion within the district.
- (3) The desirability and necessity of including the territory within the district, including the benefits that the land occupiers whose tracts of land are located within the territory may receive from the inclusion.
- (4) The relation of the territory to:
  - (A) watersheds;
  - (B) agricultural regions; and
  - (C) other districts.
- (5) The physical, geographical, and economic factors that are relevant, having regard to the legislative determination set forth in IC 14-32-1.

(b) When considering a petition to dissolve a district, the board shall consider and give due weight to the following:

- (1) The information presented at the hearing held under section 6 of this chapter.
- (2) The attitudes toward dissolution of the district expressed by land occupiers whose tracts of land are located within the district.
- (3) The approximate wealth and income of the residents of the district.
- (4) The probable expense of carrying on soil and water resource protection activities within the district.
- (5) Other economic and social factors that are relevant, having regard to the legislative determination set forth in IC 14-32-1.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-8 Denial of petition**

Sec. 8. Not more than sixty (60) days after a public hearing on a petition is held under section 6 of this chapter, the board shall determine whether the petition should be denied.  
*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-9 Denial of petition; record of determination; notice**

Sec. 9. If, after the hearing and consideration of the factors set forth in section 7 of this chapter, the board determines that a petition should be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Deny the petition.
- (3) Notify a representative of the petitioners in writing that the petition is denied.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-10 Petitions to change boundaries or dissolve districts; procedures if not denied**

Sec. 10. (a) If, after the hearing and consideration of the factors set forth in section 7(a) of this chapter, the board determines that a petition to change the boundaries of a district should not be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Define, by metes and bounds or by legal subdivisions, the territory to be included in the proposed reconfigured district.
- (3) In consultation with the petitioners, establish a name for the proposed reconfigured district.
- (4) Not more than sixty (60) days after recording the determination, give due notice that an election, by secret ballot, will be held on the local public question set forth in the petition.
- (5) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.
- (6) Supervise the conduct of the election.
- (7) Publish the results of the election.
- (8) Pay all expenses arising from the issuance of notices and the holding of the election.

(b) If, after the hearing and consideration of the factors set forth in section 7(b) of this chapter, the board determines that a petition to dissolve a district should not be denied, the board shall, when appropriate, do the following:

- (1) Record the determination.
- (2) Not more than sixty (60) days after recording the determination, give due notice that an election, by secret ballot, will be held on the local public question set forth in the petition.
- (3) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.
- (4) Supervise the conduct of the election.
- (5) Publish the results of the election.
- (6) Pay all expenses arising from the issuance of notices and the holding of the election.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-11 Elections to change boundaries or dissolve districts; contents of ballots**

Sec. 11. (a) The ballot provided for an election on whether to change the boundaries of a district must contain the following:

- (1) A definition, by metes and bounds or by legal subdivisions, of the territory within the proposed reconfigured district.
- (2) Two (2) propositions, one (1) of which reads "For creation of the (insert name) soil

and water conservation district comprising the territory defined here" and the other of which reads "Against creation of the (insert name) soil and water conservation district comprising the territory defined here".

(3) A square in front of each proposition.

(4) Instruction to insert an X mark in the square before only one (1) of the propositions to indicate that the voter favors or opposes the inclusion of the described territory within the district.

(b) The ballot provided for an election on whether to dissolve a district must contain the following:

(1) Two (2) propositions, one (1) of which reads "For terminating the existence of the (insert name) soil and water conservation district" and the other of which reads "Against terminating the existence of the (insert name) soil and water conservation district".

(2) A square in front of each proposition.

(3) Instruction to insert an X mark in the square before only one (1) of the propositions to indicate that the voter favors or opposes the dissolution of the district.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-12 Elections to change boundaries or dissolve districts; voting**

Sec. 12. (a) All land occupiers whose tracts of land are located within:

(1) the boundaries of the district as they would be changed to encompass the territory proposed for inclusion; or

(2) the district proposed for dissolution;

are eligible to vote in the election on the local public question held under section 10(a) or 10(b) of this chapter.

(b) A voting place used in the election must be arranged so that the voter can mark a ballot without disclosing to any person how the ballot was marked.

(c) An informality in the conduct of the election on the local public question or in a matter relating to the election does not invalidate the election or the result of the election if:

(1) due notice of the election was given substantially as required by section 10 of this chapter and IC 14-8-2-80; and

(2) the election was conducted fairly.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-13 Elections to change boundaries or dissolve districts; simple majority required to deny**

Sec. 13. If at least a simple majority of the votes cast on the local public question are against the request set forth in the petition, the board shall, when appropriate, do the following:

(1) Certify the results of the election in the records of the board.

(2) Declare the request set forth in the petition denied.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-14 Elections to change boundaries or dissolve districts; simple majority required to implement request**

Sec. 14. (a) In an election on the local public question of whether to change the boundaries of a district, the board shall proceed under subsection (c) if at least a simple majority:

(1) of all the votes cast; and

(2) of the votes cast in each:

(A) district; or

(B) portion of a district;

that would be included within the proposed reconfigured district;

are in favor of the inclusion of the described territory within the district.

(b) In an election on the local public question of whether to dissolve a district, the board shall proceed under subsection (c) if at least a simple majority of the votes cast on the local public question are in favor of the dissolution of the district.

(c) Under the circumstances set forth in subsection (a) or (b), the board shall do the following:

(1) Certify the results of the election in the records of the board.

(2) Implement the request set forth in the petition under:

(A) sections 15 through 21 of this chapter, if changing the boundaries of a district;  
or

(B) sections 22 through 23 of this chapter, if dissolving a district.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-15 Appointed supervisors; terms**

Sec. 15. (a) To incorporate the described territory within the district, the board shall do the following not more than thirty (30) days after certifying the election:

(1) Appoint two (2) individuals who meet the qualifications set forth in IC 14-32-4-1(c) as supervisors of the district.

(2) Establish the length of the terms of the appointed supervisors within the limits set forth in subsection (b).

(b) The term of one (1) supervisor appointed under subsection (a) may not be more than three (3) years. The term of the other supervisor appointed under subsection (a) may not be more than two (2) years.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-16 Letter of application; presentation to secretary of state; contents**

Sec. 16. (a) Not more than thirty (30) days after being appointed under section 15(a) of this chapter, the two (2) appointed supervisors shall present to the secretary of state the following:

(1) A notarized letter of application, signed by the two (2) appointed supervisors, for reorganization of the district as a governmental subdivision and a public body corporate and politic under this article.

(2) A copy of the original petition filed with the board.

(3) A copy of the certification by the board of the results of the election held on the local public question.

(4) A copy of the records of appointment by the board of the two (2) supervisors who signed the letter of application.

(b) The letter of application presented under subsection (a) must include the following:

(1) The name proposed for the district.

(2) A definition, by metes and bounds or by legal subdivisions, of the reconfigured boundaries of the district.

(3) A statement certifying that, upon notification by the secretary of state of the approval of the application, an existing district lying entirely within the boundaries of the newly reorganized district will terminate operation and cease to exist.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-17 Certificate of organization**

Sec. 17. (a) After receiving, examining, and approving a letter of application and the accompanying documents that are presented under section 16 of this chapter, the secretary of state shall do the following:

(1) Issue to the appointed supervisors a certificate of organization indicating that the district is reestablished with boundaries incorporating the territory defined in the

notarized letter of application presented under section 16 of this chapter.

(2) Record the certificate of organization with the letter of application and accompanying documents in an appropriate record.

(3) Issue to the supervisors of any existing district lying entirely within the boundaries of the newly reestablished district a certificate of dissolution of the existing district.

(4) Record the certificate of dissolution in an appropriate record.

(b) On the date the secretary of state issues the certificates required by subsection (a):

(1) all property and responsibilities of any existing district lying entirely within the boundaries of the newly reestablished district are assumed by the reestablished district; and

(2) any existing district lying entirely within the boundaries of the newly reestablished district ceases to exist.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-18 Elected supervisors; petitions for nomination**

Sec. 18. (a) After the secretary of state issues a certificate of organization to the supervisors of a newly reestablished district under section 17 of this chapter, the board shall, when appropriate, circulate petitions for the nomination of candidates for the three (3) elected supervisor positions of the reestablished district. The petitions must be filed with the board not more than sixty (60) days after the secretary of state issues the certificate of organization. However, the board may extend the time within which the petitions may be filed.

(b) To be valid, a nominating petition must meet the following conditions:

(1) The candidate named on the petition must meet the qualifications for elected supervisors set forth in IC 14-32-4-1(b).

(2) The petition must be signed by at least twenty-five (25) land occupiers whose tracts of land are located within the district.

(c) A land occupier may sign more than one (1) petition to nominate more than one (1) candidate.

(d) Not more than thirty (30) days after receiving at least four (4) valid nominating petitions, the board shall do the following:

(1) Give due notice that an election, by secret ballot, will be held to elect the three (3) supervisors of the newly reestablished district.

(2) Prescribe appropriate procedures for the conduct of the election and the determination of the eligibility of voters.

(3) Supervise the conduct of the election.

(4) Publish the results of the election.

(5) Pay all expenses arising from the issuance of notices and the holding of the election.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-19 Election of supervisors; contents of ballots**

Sec. 19. (a) The ballot provided for the initial election of supervisors of a newly reestablished district must contain the following:

(1) The names, in alphabetical order of the surnames, of all the nominees on behalf of whom valid nominating petitions have been filed.

(2) A square in front of each name.

(3) Instruction to insert an X mark in the square before any three (3) of the names to indicate the voter's preference.

(b) A land occupier whose tract of land is located within the newly reestablished district is eligible to vote in the election.

*As added by P.L.136-1997, SEC.35.*

#### **IC 14-32-6.5-20 Elected supervisors; terms**

Sec. 20. (a) The three (3) candidates who receive the largest number of votes cast in the

initial election of supervisors of a newly reestablished district are elected.

(b) The terms of office of the elected supervisors are as follows:

(1) The individual receiving the highest number of votes has a three (3) year term of office.

(2) The individual receiving the second highest number of votes has a two (2) year term of office.

(3) The individual receiving the third highest number of votes has a (1) year term of office.

(c) If a tie vote occurs among the three individuals elected as supervisors, the terms of office for those receiving the same number of votes shall be decided by lot.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-21 Elected supervisors; oath of office; commencement of term**

Sec. 21. (a) The five (5) initial supervisors of a newly reestablished district shall assume the duties of office upon taking and signing an oath of office. The oath shall be administered:

(1) to the two (2) appointed supervisors at the date of their appointment by the board; and

(2) to the three (3) elected supervisors within one (1) week after publication by the board of the results of the election.

(b) An appointed supervisor holding office when a district is reestablished under sections 15 through 21 of this chapter is discharged from office when the initial appointed supervisors of the reestablished district assume the duties of office under subsection (a). An elected supervisor holding office when a district is reestablished under sections 15 through 21 of this chapter is discharged from office when the initial elected supervisors of the reestablished district assume the duties of office under subsection (a).

(c) Although an initial supervisor assumes the duties of office at the time set forth in subsection (a), the term of office of the supervisor does not begin until the conclusion of the first annual meeting of the newly reestablished district for purposes of determining the expiration of the supervisor's term of office.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-22 Dissolution; procedures; certificate**

Sec. 22. (a) To proceed with the dissolution of a district under section 14(b) of this chapter in accordance with the results of an election, the supervisors of the district, upon notification of the results of the election, shall do the following:

(1) Begin immediately to terminate the affairs of the district.

(2) Dispose of all property belonging to the district at public auction and pay over the proceeds of the sale into the state treasury.

(3) File with the secretary of state a notarized letter of application for dissolution of the district that:

(A) recites that the property of the district has been disposed of and the proceeds of the sale paid over as required by this section; and

(B) sets forth a full accounting of the property and proceeds of the sale.

(4) Transmit with the letter of application a copy of the certification by the board of the results of the election on the local public question of whether to dissolve the district.

(b) Upon receipt, examination, and approval of the letter of application and accompanying required document, the secretary of state shall do the following:

(1) Issue to the supervisors a certificate of dissolution.

(2) Record the certificate with the letter of application and accompanying required document in an appropriate record.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-23 Dissolution; contracts remain in force**

Sec. 23. (a) Despite the issuance of a certificate of dissolution of a district under section 22 of this chapter, all contracts to which the district is a party remain in force and effect for the period provided in the contracts.

(b) The board:

- (1) is substituted for the district as party to the contracts;
- (2) is entitled to all benefits and subject to all liabilities under the contracts; and
- (3) has the same right and obligation under the contracts as the district would have had to:
  - (A) perform;
  - (B) require performance;
  - (C) sue and be sued; and
  - (D) modify or terminate the contracts by mutual consent or otherwise.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-24 Denial of petition for change in boundaries; delay before similar request considered**

Sec. 24. If a valid petition requesting a change in the boundaries of a district or the dissolution of a district has been denied due to:

- (1) the determination of the board after a public hearing; or
- (2) the results of an election held on the local public question;

the board may not consider a later petition containing the same request or a similar request until two (2) years after the denial of the original petition.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-6.5-25 Procedures for organization of new district in same territory as dissolved district**

Sec. 25. If a district is dissolved under this chapter, the board may prescribe the procedure under which a new district may be organized within the territory encompassed by the dissolved district.

*As added by P.L.136-1997, SEC.35.*

**IC 14-32-7 Chapter 7. Duties of Department**

14-32-7-1	Policy of department
14-32-7-2	"Geology"
14-32-7-3	"Land conservation"
14-32-7-4	"Landscape"
14-32-7-5	"Soil"
14-32-7-6	Division of soil conservation; administration and coordination of duties and responsibilities of department of agriculture; annual report
14-32-7-7	"Urban geology survey"
14-32-7-8	"Landscape survey"
14-32-7-8.5	"Soil surveys and geographic information systems"
14-32-7-9	Support and assistance to local soil and water conservation districts
14-32-7-10	Appropriations; uses
14-32-7-11	Coordination and scheduling of urban geology survey program and landscape survey program
14-32-7-12	Duties of soil conservation division
14-32-7-13	Administration

**IC 14-32-7-1 Policy of department**

Sec. 1. (a) The general assembly recognizes the following:

- (1) That the land resource of Indiana, including the principal elements of geology, landscape, and soils, is one (1) of the basic natural resources of Indiana.
- (2) That an ever increasing demand upon the fixed and limited land resource is resulting from a growing population, with the accompanying expansions in commercial, industrial, transportation, recreation, and cultural development and the continuing need for an adequate agricultural base for the production of food and fiber.
- (3) That conservation of the land resource is essential to protect and promote the public health, safety, and welfare.
- (4) That the task of conservation can only be accomplished through a factual knowledge and understanding of the land resource.

(b) Therefore, it is the policy of the general assembly that the state promote and participate in the conservation of the land resource of Indiana by doing the following:

- (1) Providing new or expanded means for the securing, development, and furnishing to land use decision makers of adequate factual knowledge concerning the geology, landscape, and soils of Indiana, including their potentials, limitations, and interrelationships, in the manner set forth in this chapter.
- (2) Strengthening the capabilities of local soil and water conservation districts.
- (3) Expanding the level of small watershed planning for soil and water conservation measures.

[Pre-1995 Recodification Citation: 13-4-3-2.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.36.*

**IC 14-32-7-2 "Geology"**

Sec. 2. As used in this chapter, "geology" means the study of the following:

- (1) Earth materials, which are minerals, rocks, water, and soil.
- (2) The processes that have formed earth materials.

[Pre-1995 Recodification Citation: 13-4-3-3(f).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-7-3 "Land conservation"**

Sec. 3. As used in this chapter, "land conservation" means the wise use of land:

- (1) for the satisfaction of human needs; and
- (2) based upon knowledge and understanding of the land's capabilities and limitations.

[Pre-1995 Recodification Citation: 13-4-3-3(c).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-7-4 "Landscape"**

Sec. 4. As used in this chapter, "landscape" means the aggregate of all factors and features that constitute the total visual and perceptive impact of a given area of the earth's surface upon the human senses.

[Pre-1995 Recodification Citation: 13-4-3-3(h).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-7-5 "Soil"**

Sec. 5. As used in this chapter, "soil" means the surface layer of the earth that serves as a natural medium for the growth of plant life.

[Pre-1995 Recodification Citation: 13-4-3-3(d).]

*As added by P.L.1-1995, SEC.25.*

**IC 14-32-7-6 Division of soil conservation; administration and coordination of duties and responsibilities of department of agriculture; annual report**

Sec. 6. (a) The division of soil conservation:

(1) shall administer and coordinate the duties and responsibilities of the Indiana state department of agriculture under the land resource programs authorized by this chapter; and

(2) in carrying out its duties under subdivision (1), may work in cooperation with the following:

(A) Federal and state agencies.

(B) Local governmental agencies involved in land use planning and zoning.

(C) Any person, firm, institution, or agency, public or private, having an interest in land conservation.

(b) The Indiana state department of agriculture may employ the personnel and provide facilities and services that are necessary to carry out the Indiana state department of agriculture's duties and responsibilities under this chapter.

(c) The Indiana state department of agriculture shall prepare an annual report of the division of soil conservation's expenditures and accomplishments and that contains a proposed business plan.

[Pre-1995 Recodification Citation: 13-4-3-4.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.37; P.L.1-2006, SEC.223; P.L.175-2006, SEC.15; P.L.120-2008, SEC.16.*

**IC 14-32-7-7 "Urban geology survey"**

Sec. 7. (a) As used in this section, "urban geology survey" means a systematic scientific identification, inventory, and mapping of the earth materials of a given area that sets forth the capabilities, potentials, and limitations of the earth materials for human needs.

(b) The Indiana state department of agriculture shall use the money appropriated by the general assembly to initiate and carry out a program of urban geology surveys, together with other geologic investigations, for Indiana to develop and present the geologic data and information necessary to a coordinated land conservation program that will promote sound land use decisions.

[Pre-1995 Recodification Citations: 13-4-3-3(g); 13-4-3-6.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.38; P.L.1-2006, SEC.224; P.L.120-2008, SEC.17.*

**IC 14-32-7-8 "Landscape survey"**

Sec. 8. (a) As used in this section, "landscape survey" means a systematic scientific

identification, inventory, and mapping of the features of the earth's surface that serve to constitute the landscape of a given area, including key factors such as the following:

- (1) Land form.
- (2) Vegetation.
- (3) Wildlife.
- (4) Physical characteristics.
- (5) Visual perception.
- (6) Historical and cultural sites.

(b) The Indiana state department of agriculture shall use the money appropriated by the general assembly to initiate and carry out a program of landscape surveys for Indiana to develop and present the surficial landscape data and information necessary to promote wise land use decisions.

[Pre-1995 Recodification Citations: 13-4-3-3(i); 13-4-3-7.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.39; P.L.1-2006, SEC.225; P.L.120-2008, SEC.18.*

#### **IC 14-32-7-8.5 "Soil surveys and geographic information systems"**

Sec. 8.5. (a) As used in this section, "soil survey" means a systematic scientific identification, inventory, and mapping of the soils of a given area that sets forth the capabilities, potential, and limitations of the soils in the satisfaction of human needs.

(b) The Indiana state department of agriculture shall use the money appropriated by the general assembly to implement and supplement a program of modern soil surveys and geographic information systems (GIS) for Indiana that will, within the shortest practicable time, provide a modern soil survey and geographic information system for each county as an essential tool in land conservation.

*As added by P.L.136-1997, SEC.40. Amended by P.L.1-2006, SEC.226; P.L.175-2006, SEC.16; P.L.120-2008, SEC.19.*

#### **IC 14-32-7-9 Support and assistance to local soil and water conservation districts**

Sec. 9. The Indiana state department of agriculture shall provide more support and assistance to the local soil and water conservation districts by:

- (1) granting to the districts the additional money that is appropriated by the general assembly; and
- (2) increased coordination and consultative services;

to obtain increased participation by the districts in the development of improved local land use practices and decisions.

[Pre-1995 Recodification Citation: 13-4-3-8.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.41; P.L.1-2006, SEC.227; P.L.120-2008, SEC.20.*

#### **IC 14-32-7-10 Appropriations; uses**

Sec. 10. The Indiana state department of agriculture shall use the money appropriated by the general assembly to expand the small watershed planning program as carried out in cooperation with the Natural Resources Conservation Service of the United States Department of Agriculture under 16 U.S.C. 1001 et seq., to reduce the accumulation of approved watershed planning requests and expedite the realization of the multiple benefits of this soil and water conservation program.

[Pre-1995 Recodification Citation: 13-4-3-9.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.1-2006, SEC.228; P.L.120-2008, SEC.21.*

#### **IC 14-32-7-11 Coordination and scheduling of urban geology survey program and landscape survey program**

Sec. 11. The Indiana state department of agriculture shall coordinate and schedule the programs authorized by sections 7 through 8 of this chapter to provide, as nearly as practicable, for concurrent completion and furnishing of the results of each program for each selected area study unit.

[Pre-1995 Recodification Citation: 13-4-3-10.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.1-2006, SEC.229; P.L.120-2008, SEC.22.*

**IC 14-32-7-12            Duties of soil conservation division**

Sec. 12. (a) As used in this section, "river" includes streams and the tributaries of rivers.

(b) The division of soil conservation shall do the following:

- (1) Perform all administrative duties required by the rules of the board.
- (2) Provide professional assistance to districts in planning, coordinating, and training for the following:
  - (A) Adult soil and water conservation education.
  - (B) Natural resources conservation information programs for elementary and secondary schools.
  - (C) Supervisors and staff.
- (3) Provide professional soil conservation technical assistance to districts.
- (4) Provide nonagricultural soils interpretive and erosion control expertise on a regional basis.
- (5) Assist the districts and other federal, state, and local entities in encouraging and monitoring compliance with those aspects of the programs that are related to erosion and sediment reduction.
- (6) Administer a cost share program for installation of erosion control structural measures on severely eroding cropland and for conversion of highly erodible land from crop production to permanent vegetative cover.
- (7) Provide professional assistance to districts in conservation needs assessments, program development, and program evaluation.

[Pre-1995 Recodification Citation: 13-3-1-14.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.42; P.L.175-2006, SEC.17; P.L.95-2016, SEC.3.*

**IC 14-32-7-13            Administration**

Sec. 13. The Indiana state department of agriculture shall administer this article subject to the direction of the board.

[Pre-1995 Recodification Citation: 13-3-1-13.]

*As added by P.L.1-1995, SEC.25. Amended by P.L.1-2006, SEC.230; P.L.120-2008, SEC.23.*

**IC 14-32-8 Chapter 8. Clean Water Indiana Program**

14-32-8-1	"Fund" defined
14-32-8-2	"Political subdivision" defined
14-32-8-3	"Program" defined
14-32-8-4	Program established
14-32-8-5	Purpose of program
14-32-8-6	Clean water Indiana fund
14-32-8-7	Expenditures from fund
14-32-8-8	Matching funds from division of soil conservation
14-32-8-8.2	Limit on matching funds from division if district territory is larger than one county
14-32-8-8.3	Limit on matching funds from division if district territory is smaller than one county
14-32-8-9	Report

**IC 14-32-8-1 "Fund" defined**

Sec. 1. As used in this chapter, "fund" means the clean water Indiana fund established by this chapter.

*As added by P.L.160-1999, SEC.4.*

**IC 14-32-8-2 "Political subdivision" defined**

Sec. 2. As used in this chapter, "political subdivision" means a county, township, city, or town.

*As added by P.L.160-1999, SEC.4.*

**IC 14-32-8-3 "Program" defined**

Sec. 3. As used in this chapter, "program" means the clean water Indiana program established by this chapter.

*As added by P.L.160-1999, SEC.4.*

**IC 14-32-8-4 Program established**

Sec. 4. The clean water Indiana program is established. The division of soil conservation established within the department of agriculture by IC 15-11-4-1 shall administer the program subject to the direction of the board.

*As added by P.L.160-1999, SEC.4. Amended by P.L.1-2006, SEC.231; P.L.2-2008, SEC.36.*

**IC 14-32-8-5 Purpose of program**

Sec. 5. The purpose of the program is to provide financial assistance to:

- (1) soil and water conservation districts;
- (2) land occupiers; and
- (3) conservation groups;

to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.

*As added by P.L.160-1999, SEC.4. Amended by P.L.175-2006, SEC.18.*

**IC 14-32-8-6 Clean water Indiana fund**

Sec. 6. (a) The clean water Indiana fund is established to carry out the purposes of this chapter. The fund shall be administered by the division of soil conservation subject to the direction of the board.

(b) The fund consists of:

- (1) amounts deposited in the fund under IC 6-7-1-29.3;
- (2) amounts appropriated by the general assembly; and
- (3) donations, grants, and money received from any other source.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund but remains in the fund to be used for the purposes of the fund.

*As added by P.L.160-1999, SEC.4. Amended by P.L.241-2005, SEC.5; P.L.24-2009, SEC.1.*

#### **IC 14-32-8-7 Expenditures from fund**

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.
- (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 similar technology.

*As added by P.L.160-1999, SEC.4. Amended by P.L.175-2006, SEC.19; P.L.129-2011, SEC.6.*

#### **IC 14-32-8-8 Matching funds from division of soil conservation**

Sec. 8. (a) In addition to funds provided to a district under section 7 of this chapter or from any other source, the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives:

- (1) from a political subdivision; or
- (2) if a district receives no funding from a political subdivision, from any other funding source.

The board shall consider funds received from a source referred to in subdivision (2) as qualifying for matching payments under this subsection.

(b) Except as provided in section 8.2 of this chapter, the state is not obligated to match more than ten thousand dollars (\$10,000) under this section.

(c) In order to receive funding under this section each year, a district must certify to the division of soil conservation the amount of money the district received from all sources described in subsection (a)(1) or (a)(2) during the one (1) year period beginning January 1 of the previous year. The information prepared under this subsection must be part of the annual financial statement prepared and provided to the board under IC 14-32-4-22. The

division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section, the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by sources described in subsection (a)(1) or (a)(2). If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district.

*As added by P.L.160-1999, SEC.4. Amended by P.L.155-2002, SEC.9 and P.L.158-2002, SEC.8; P.L.175-2006, SEC.20; P.L.1-2007, SEC.129; P.L.95-2016, SEC.4.*

**IC 14-32-8-8.2      Limit on matching funds from division if district territory is larger than one county**

Sec. 8.2. (a) This section applies to a district if, as the result of:

- (1) the merger of two (2) or more districts; or
- (2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;

the territory of the district is larger than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district includes the entire area of two (2) or more counties, the limit on the funds from political subdivisions that the state may be obligated to match is ten thousand dollars (\$10,000) multiplied by a whole number equal to the number of counties whose entire area is included in the territory of the district.

(d) If the territory of a district includes some of but less than the entire area of a particular county, the limit on the funds from political subdivisions that the state may be obligated to match is the sum of:

- (1) ten thousand dollars (\$10,000) multiplied by a percentage equal to the percentage of the particular county's entire area that is included in the territory of the district; plus
- (2) either:
  - (A) ten thousand dollars (\$10,000), if the territory of the district also includes all the area of one (1) other county; or
  - (B) the figure calculated under subsection (c), if the territory of the district also includes all the area of two (2) or more counties.

*As added by P.L.95-2016, SEC.5.*

**IC 14-32-8-8.3      Limit on matching funds from division if district territory is smaller than one county**

Sec. 8.3. (a) This section applies to a district if, as the result of:

- (1) the merger of two (2) or more districts; or
- (2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;

the territory of the district is smaller than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district contains less than the entire area of one (1) county, the limit on the funds from political subdivisions that the state may be obligated to match is the product of:

- (1) ten thousand dollars (\$10,000); multiplied by
- (2) a percentage equal to the percentage of the county's entire area that is included in the territory of the district.

*As added by P.L.95-2016, SEC.6.*

**IC 14-32-8-9            Report**

Sec. 9. The districts shall coordinate with the division of soil conservation to compile and provide a report to the executive director of the legislative services agency each year. The report must be in an electronic format under IC 5-14-6 and must describe:

- (1) the expenditures of the clean water Indiana fund; and
- (2) the number, type, status, and effectiveness of conservation efforts funded by the clean water Indiana program.

*As added by P.L.160-1999, SEC.4. Amended by P.L.28-2004, SEC.133.*