



February 2, 2023

HOUSE BILL No. 1639

DIGEST OF HB 1639 (Updated February 1, 2023 12:00 pm - DI 148)

Citations Affected: IC 14-8; IC 14-30; IC 14-30.5.

Synopsis: Watershed development commissions. Provides that the executives of one or more counties may adopt ordinances designating their counties as members of a proposed watershed development commission (commission) and that the proposed commission is established as a legal entity with the counties as its members if it is recognized by the natural resources commission. Requires the natural resources commission, in deciding whether to recognize a proposed commission, to answer certain questions. Provides that a nonmember county may become a member of an established commission if its membership is accepted by the member counties and recognized by the natural resources commission. Requires the department of natural resources (department), with the approval of the natural resources commission, to certify the area of a member county that is within a commission's designated watershed. Sets forth certain flood damage reduction and drainage purposes for which a commission may be established. Provides that a commission may also have water quality purposes if the board develops a water quality improvement plan that is approved by the natural resources commission. Specifies that a water quality purpose, goal, project, or interstate agreement does not convey water quality regulatory authority to a watershed development commission. Requires a commission to develop a flood damage reduction and drainage plan for its designated watershed and grants a commission exclusive authority to perform drainage and flood damage
(Continued next page)

Effective: July 1, 2023.

**Aylesworth, Ledbetter, Hamilton,
Abbott**

January 19, 2023, read first time and referred to Committee on Natural Resources.
February 2, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1639—LS 7340/DI 55



Digest Continued

reduction activities within the channel of the river that is the surface water outlet of the commission's designated watershed. Authorizes, however, a commission to enter into an interlocal cooperation agreement with an existing local governmental entity having some flood damage reduction authority to apportion authority and financial support between the two entities. Provides for a commission to be governed by a board that includes the director of the department (or the director's designee) and one representative of each member county. Provides that the board of a single county commission also includes the county surveyor. Establishes an advisory committee for each commission to provide counsel to the board. Provides for the funding of a commission through an annual special assessment against each taxable parcel of real property that is located: (1) in a member county; and (2) within the designated watershed of the commission. Establishes maximum assessment levels and allows the board of a commission to reduce the special assessment to lower levels. Authorizes a member county to adopt any of three alternative methods of funding the commission. Authorizes a commission to give preference to an Indiana business over an out-of-state business in contracting for public works. Allows the Maumee River basin commission, the St. Joseph River basin commission, or the Upper Wabash River basin commission to transform into a watershed development commission if the county executives of all participating counties, by vote of at least two of the three members of the county executive, approve the proposed transformation. Provides that if the St. Joseph River basin commission is transformed into a watershed development commission, the members of the St. Joseph River basin commission become members of the watershed development commission's advisory committee.

HB 1639—LS 7340/DI 55



February 2, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1639

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

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

- 1 SECTION 1. IC 14-8-2-48, AS AMENDED BY P.L.282-2019,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 48. (a) "Commission", except as provided in this
4 section, refers to the natural resources commission.
5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
6 forth in IC 14-13-1-1.
7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
8 forth in IC 14-13-2-2.
9 (d) "Commission", for purposes of IC 14-13-4, has the meaning set
10 forth in IC 14-13-4-1.
11 (e) "Commission", for purposes of IC 14-13-5, has the meaning set
12 forth in IC 14-13-5-1.
13 (f) "Commission", for purposes of IC 14-13-6, has the meaning set
14 forth in IC 14-13-6-2.
15 (g) "Commission", for purposes of IC 14-13-9, has the meaning set
16 forth in IC 14-13-9-2.
17 (h) "Commission", for purposes of IC 14-20-11, has the meaning set

HB 1639—LS 7340/DI 55



- 1 forth in IC 14-20-11-1.
- 2 (i) "Commission", for purposes of IC 14-28-4, has the meaning set
- 3 forth in IC 14-28-4-1.
- 4 (j) "Commission", for purposes of IC 14-30-2, has the meaning set
- 5 forth in IC 14-30-2-2.
- 6 (k) "Commission", for purposes of IC 14-30-3, has the meaning set
- 7 forth in IC 14-30-3-2.
- 8 (l) "Commission", for purposes of IC 14-30-4, has the meaning set
- 9 forth in IC 14-30-4-2.
- 10 **(m) "Commission", for purposes of IC 14-30.5, has the meaning**
- 11 **set forth in IC 14-30.5-1-2.**
- 12 ~~(m)~~ **(n) "Commission", for purposes of IC 14-33-20, has the**
- 13 **meaning set forth in IC 14-33-20-2.**
- 14 SECTION 2. IC 14-8-2-68.3 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 16 **1, 2023]: Sec. 68.3. "Designated watershed", for purposes of**
- 17 **IC 14-30.5, has the meaning set forth in IC 14-30.5-1-3.**
- 18 SECTION 3. IC 14-8-2-86.2 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 20 **1, 2023]: Sec. 86.2. "Executive", for purposes of IC 14-30.5, has the**
- 21 **meaning set forth in IC 14-30.5-1-4.**
- 22 SECTION 4. IC 14-8-2-131.6 IS ADDED TO THE INDIANA
- 23 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 24 **[EFFECTIVE JULY 1, 2023]: Sec. 131.6. "Indiana business", for**
- 25 **purposes of IC 14-30.5, has the meaning set forth in IC 14-30.5-1-5.**
- 26 SECTION 5. IC 14-8-2-192.2 IS ADDED TO THE INDIANA
- 27 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 28 **[EFFECTIVE JULY 1, 2023]: Sec. 192.2. "Out-of-state business",**
- 29 **for purposes of IC 14-30.5, has the meaning set forth in**
- 30 **IC 14-30.5-1-6.**
- 31 SECTION 6. IC 14-8-2-242.1 IS ADDED TO THE INDIANA
- 32 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 33 **[EFFECTIVE JULY 1, 2023]: Sec. 242.1. "Resident of Indiana", for**
- 34 **purposes of IC 14-30.5, has the meaning set forth in IC 14-30.5-1-7.**
- 35 SECTION 7. IC 14-8-2-275.1 IS ADDED TO THE INDIANA
- 36 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 37 **[EFFECTIVE JULY 1, 2023]: Sec. 275.1. "Surface water outlet", for**
- 38 **purposes of IC 14-30.5, has the meaning set forth in IC 14-30.5-1-8.**
- 39 SECTION 8. IC 14-8-2-279.8 IS ADDED TO THE INDIANA
- 40 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 41 **[EFFECTIVE JULY 1, 2023]: Sec. 279.8. "Taxable parcel", for**
- 42 **purposes of IC 14-30.5, has the meaning set forth in IC 14-30.5-1-9.**



1 SECTION 9. IC 14-8-2-310, AS AMENDED BY P.L.106-2012,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 310. (a) "Watershed", for purposes of IC 14-25
 4 through IC 14-29, means an area:

5 (1) from which water drains to a common point; and

6 (2) for:

7 (A) a watercourse, that is measured to the mouth of the
 8 watercourse; and

9 (B) any part of a watercourse, that is measured to the farthest
 10 downstream point in question.

11 (b) For purposes of IC 14-13-2, "watershed" has the meaning set
 12 forth in IC 14-13-2-3.8.

13 **(c) For purposes of IC 14-30.5, "watershed" has the meaning set
 14 forth in IC 14-30.5-1-10.**

15 SECTION 10. IC 14-30-2-25 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2023]: **Sec. 25. (a) The commission may
 18 consider a proposal to transform the commission from a river
 19 basin commission subject to this chapter into a watershed
 20 development commission subject to IC 14-30.5.**

21 **(b) For the commission to be transformed from a river basin
 22 commission subject to this chapter into a watershed development
 23 commission subject to IC 14-30.5, the county executives of all
 24 participating counties:**

25 **(1) must approve the proposal described in subsection (a); and**

26 **(2) must adopt identical ordinances that:**

27 **(A) set forth the flood damage reduction, drainage, storm
 28 water management, or water infrastructure purposes for
 29 which the watershed development commission would be
 30 established; and**

31 **(B) state the flood damage reduction, drainage, storm
 32 water management, or water infrastructure needs of the
 33 counties that would be addressed through the
 34 transformation of the river basin commission into a
 35 watershed development commission.**

36 **(c) For the county executive of a participating county to approve
 37 a proposal described in subsection (a), at least two (2) of the three
 38 (3) members of the county executive must vote in favor of the
 39 proposal.**

40 **(d) If a member of the county executive of a participating
 41 county has designated another individual under section 10 of this
 42 chapter to perform the member's duties on the commission, the**



1 individual designated to perform the duties of the member of the
 2 county executive may vote under subsection (c) on the proposal
 3 described in subsection (a).

4 (e) If the county executives of all participating counties approve
 5 a proposal described in subsection (a), and if the natural resources
 6 commission approves the transformation of the commission into a
 7 watershed development commission with the purposes set forth in
 8 the ordinances under subsection (b)(2)(A), the following apply:

9 (1) The commission shall notify the natural resources
 10 commission and the department of the approval of the
 11 proposal.

12 (2) The officers of the commission elected under section 11 of
 13 this chapter shall take the actions necessary and appropriate
 14 to the transformation of the commission from a river basin
 15 commission subject to this chapter into a watershed
 16 development commission subject to IC 14-30.5.

17 (3) The executive of each participating county shall appoint:

18 (A) one (1) individual; or

19 (B) if subsection (f) applies, two (2) individuals;

20 to represent the county on the board of the watershed
 21 development commission under IC 14-30.5-4-1(a)(2).

22 (4) The director of the department or the director's designee:

23 (A) shall advise the commission on the transformation of
 24 the commission into a watershed development commission
 25 subject to IC 14-30.5; and

26 (B) when the board of the watershed development
 27 commission is formed, shall assume the position on the
 28 board of the watershed development commission specified
 29 in IC 14-30.5-4-1(a)(1).

30 (5) The watershed development commission board may not
 31 meet until the natural resources commission has given the
 32 approval referred to in this subsection. Upon the convening of
 33 the first meeting under IC 14-30.5-4 of the board of the
 34 watershed development commission:

35 (A) the Maumee River basin commission ceases to exist as
 36 a separate municipal corporation under this chapter;

37 (B) the Maumee watershed development commission is
 38 established as a public body corporate and politic under
 39 IC 14-30.5;

40 (C) the participating counties of the Maumee River basin
 41 commission become member counties of the Maumee
 42 watershed development commission under IC 14-30.5; and



- 1 **(D) each participating county of the Maumee River basin**
2 **commission is authorized to appoint an individual under**
3 **IC 14-30.5-4-1 to represent the county on the board of the**
4 **Maumee watershed development commission.**
- 5 **(f) The executive of each participating county shall appoint at**
6 **least one (1) individual under subsection (e)(3). If the county**
7 **surveyor of a county is appointed under subsection (e)(3), the**
8 **county executive may also appoint a second individual to represent**
9 **the county executive on the board of the watershed development**
10 **commission.**
- 11 **(g) If established under this section, the Maumee watershed**
12 **development commission:**
- 13 **(1) is a continuation of;**
14 **(2) retains the property and rights of; and**
15 **(3) is responsible for the actions and subject to the liabilities**
16 **of;**
- 17 **the former Maumee River basin commission.**
- 18 **(h) If established under this section, the Maumee watershed**
19 **development commission has all of the powers and duties of a**
20 **watershed development commission under IC 14-30.5 in the areas**
21 **of the watershed of the Maumee River and the tributaries of the**
22 **Maumee River that are within the boundaries of the member**
23 **counties of the Maumee watershed development commission. For**
24 **the purposes of IC 14-30.5, the areas of the watershed of the**
25 **Maumee River and the tributaries of the Maumee River that are**
26 **within the boundaries of the member counties of the Maumee**
27 **watershed development commission comprise the designated**
28 **watershed of the Maumee watershed development commission.**
- 29 **(i) If the Maumee watershed development commission is**
30 **established under this section, the board of the Maumee watershed**
31 **development commission shall appoint an executive director under**
32 **IC 14-30.5-4-2(f). An individual who was executive director of the**
33 **Maumee River basin commission may be appointed executive**
34 **director of the Maumee watershed development commission under**
35 **this subsection.**
- 36 **(j) If the Maumee watershed development commission is**
37 **established under this section, all property, records, and funds of**
38 **the former Maumee River basin commission:**
- 39 **(1) become property, records, and funds of the Maumee**
40 **watershed development commission; and**
41 **(2) shall be transmitted to the Maumee watershed**
42 **development commission not more than sixty (60) days after**



1 **the appointment of the executive director under subsection (i).**
 2 SECTION 11. IC 14-30-3-33 IS ADDED TO THE INDIANA
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2023]: **Sec. 33. (a) The commission may**
 5 **consider a proposal to transform the commission from a river**
 6 **basin commission subject to this chapter into a watershed**
 7 **development commission subject to IC 14-30.5.**

8 **(b) For the commission to be transformed from a river basin**
 9 **commission subject to this chapter into a watershed development**
 10 **commission subject to IC 14-30.5, the county executives of all**
 11 **participating counties:**

12 **(1) must approve the proposal described in subsection (a); and**

13 **(2) must adopt identical ordinances that:**

14 **(A) set forth the flood damage reduction, drainage, storm**
 15 **water management, or water infrastructure purposes for**
 16 **which the watershed development commission would be**
 17 **established; and**

18 **(B) state the flood damage reduction, drainage, storm**
 19 **water management, or water infrastructure needs of the**
 20 **counties that would be addressed through the**
 21 **transformation of the river basin commission into a**
 22 **watershed development commission.**

23 **(c) For the county executive of a participating county to approve**
 24 **a proposal described in subsection (a), at least two (2) of the three**
 25 **(3) members of the county executive must vote in favor of the**
 26 **proposal.**

27 **(d) If a member of the county executive of a participating**
 28 **county has designated another individual under section 8(2) of this**
 29 **chapter to fill the member's position on the commission, the**
 30 **individual designated to fill the member's position may vote under**
 31 **subsection (c) on the proposal described in subsection (a).**

32 **(e) If the county executives of all participating counties approve**
 33 **a proposal described in subsection (a), and if the natural resources**
 34 **commission approves the transformation of the commission into a**
 35 **watershed development commission with the purposes set forth in**
 36 **the ordinances under subsection (b)(2)(A), the following apply:**

37 **(1) The commission shall notify the natural resources**
 38 **commission and the department of the approval of the**
 39 **proposal.**

40 **(2) The officers of the commission elected under section 11 of**
 41 **this chapter shall take the actions necessary and appropriate**
 42 **to the transformation of the commission from a river basin**



1 commission subject to this chapter into a watershed
2 development commission subject to IC 14-30.5.

3 **(3) The executive of each participating county shall appoint:**

4 **(A) one (1) individual; or**

5 **(B) if subsection (f) applies, two (2) individuals;**

6 to represent the county on the board of the watershed
7 development commission under IC 14-30.5-4-1(a)(2).

8 **(4) The director of the department or the director's designee:**

9 **(A) shall advise the commission on the transformation of**
10 **the commission into a watershed development commission**
11 **subject to IC 14-30.5; and**

12 **(B) when the board of the watershed development**
13 **commission is formed, shall assume the position on the**
14 **board of the watershed development commission specified**
15 **in IC 14-30.5-4-1(a)(1).**

16 **(5) The watershed development commission board may not**
17 **meet until the natural resources commission has given the**
18 **approval referred to in this subsection. Upon the convening of**
19 **the first meeting under IC 14-30.5-4 of the board of the**
20 **watershed development commission:**

21 **(A) the St. Joseph River basin commission ceases to exist**
22 **as a separate municipal corporation under this chapter;**

23 **(B) the St. Joseph watershed development commission is**
24 **established as a public body corporate and politic under**
25 **IC 14-30.5;**

26 **(C) the participating counties of the St. Joseph River basin**
27 **commission become member counties of the St. Joseph**
28 **watershed development commission under IC 14-30.5; and**

29 **(D) each participating county of the St. Joseph River basin**
30 **commission is authorized to appoint an individual under**
31 **IC 14-30.5-4-1 to represent the county on the board of the**
32 **St. Joseph watershed development commission.**

33 **(f) The executive of each participating county shall appoint at**
34 **least one (1) individual under subsection (e)(3). If the county**
35 **surveyor of a county is appointed under subsection (e)(3), the**
36 **county executive may also appoint a second individual to represent**
37 **the county executive on the board of the watershed development**
38 **commission.**

39 **(g) If established under this section, the St. Joseph watershed**
40 **development commission:**

41 **(1) is a continuation of;**

42 **(2) retains the property and rights of; and**



- 1 **(3) is responsible for the actions and subject to the liabilities**
2 **of;**
3 **the former St. Joseph River basin commission.**
- 4 **(h) If established under this section, the St. Joseph watershed**
5 **development commission has all of the powers and duties of a**
6 **watershed development commission under IC 14-30.5 in the areas**
7 **of the watershed of the St. Joseph River and the tributaries of the**
8 **St. Joseph River that are within the boundaries of the member**
9 **counties of the St. Joseph watershed development commission. For**
10 **the purposes of IC 14-30.5, the areas of the watershed of the St.**
11 **Joseph River and the tributaries of the St. Joseph River that are**
12 **within the boundaries of the member counties of the St. Joseph**
13 **watershed development commission comprise the designated**
14 **watershed of the St. Joseph watershed development commission.**
- 15 **(i) If the St. Joseph watershed development commission is**
16 **established under this section, the board of the St. Joseph**
17 **watershed development commission shall appoint an executive**
18 **director under IC 14-30.5-4-2(f)(1). An individual who was**
19 **executive director of the St. Joseph River basin commission may be**
20 **appointed executive director of the St. Joseph watershed**
21 **development commission under this subsection.**
- 22 **(j) If the St. Joseph watershed development commission is**
23 **established under this section, the following apply:**
- 24 **(1) All property, records, and funds of the St. Joseph River**
25 **basin commission:**
- 26 **(A) become property, records, and funds of the St. Joseph**
27 **watershed development commission; and**
28 **(B) shall be transmitted to the St. Joseph watershed**
29 **development commission not more than sixty (60) days**
30 **after the appointment of the executive director under**
31 **subsection (i).**
- 32 **(2) Any advisory committee appointed under section 13 of this**
33 **chapter is dissolved.**
- 34 **(3) The individuals serving as members of the St. Joseph**
35 **River basin commission under section 8 of this chapter**
36 **become the members of the advisory committee of the St.**
37 **Joseph watershed development commission. Upon the**
38 **expiration under section 9 of this chapter or other termination**
39 **of the term of office of an individual described in this**
40 **subdivision, the office of the individual shall be filled by a**
41 **successor according to subdivision (4).**
- 42 **(4) Notwithstanding IC 14-30.5-4-5, the advisory committee**



1 of the St. Joseph watershed development commission consists
2 of the following members:

3 (A) From each participating county the following:

4 (i) The executive of each second class city or the
5 executive's designee.

6 (ii) If the county does not have a second class city, the
7 executive of the municipality with the largest population
8 or the executive's designee.

9 (B) A member of the county executive or the county
10 executive's designee from each participating county.

11 (C) The county health officer or the health officer's
12 designee from each participating county.

13 (D) The county surveyor of each participating county or
14 the county surveyor's designee.

15 (E) A representative of each soil and water conservation
16 district that:

17 (i) is subject to IC 14-32;

18 (ii) includes territory in a participating county; and

19 (iii) includes territory in the St. Joseph river basin.

20 (F) The director of the St. Joseph watershed development
21 commission or the director's designee.

22 SECTION 12. IC 14-30-4-20 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) The commission may
25 consider a proposal to transform the commission from a river
26 basin commission subject to this chapter into a watershed
27 development commission subject to IC 14-30.5.

28 (b) For the commission to be transformed from a river basin
29 commission subject to this chapter into a watershed development
30 commission subject to IC 14-30.5, the county executives of all
31 participating counties:

32 (1) must approve the proposal described in subsection (a); and

33 (2) must adopt identical ordinances that:

34 (A) set forth the flood damage reduction, drainage, storm
35 water management, or water infrastructure purposes for
36 which the watershed development commission would be
37 established; and

38 (B) state the flood damage reduction, drainage, storm
39 water management, or water infrastructure needs of the
40 counties that would be addressed through the
41 transformation of the river basin commission into a
42 watershed development commission.



1 (c) For the county executive of a participating county to approve
2 a proposal described in subsection (a), at least two (2) of the three
3 (3) members of the county executive must vote in favor of the
4 proposal.

5 (d) If a member of the county executive of a participating
6 county has designated another individual under section 9(a)(1) of
7 this chapter to perform the member's duties on the commission,
8 the individual designated to perform the member's duties may vote
9 under subsection (c) on the proposal described in subsection (a).

10 (e) If the county executives of all participating counties approve
11 a proposal described in subsection (a), and if the natural resources
12 commission approves the transformation of the commission into a
13 watershed development commission with the purposes set forth in
14 the ordinances under subsection (b)(2)(A), the following apply:

15 (1) The commission shall notify the natural resources
16 commission and the department of the approval of the
17 proposal.

18 (2) The officers of the commission elected under section 10 of
19 this chapter shall take the actions necessary and appropriate
20 to the transformation of the commission from a river basin
21 commission subject to this chapter into a watershed
22 development commission subject to IC 14-30.5.

23 (3) The executive of each participating county shall appoint:

24 (A) one (1) individual; or

25 (B) if subsection (f) applies, two (2) individuals;

26 to represent the county on the board of the watershed
27 development commission under IC 14-30.5-4-1(a)(2).

28 (4) The director of the department or the director's designee:

29 (A) shall advise the commission on the transformation of
30 the commission into a watershed development commission
31 subject to IC 14-30.5; and

32 (B) when the board of the watershed development
33 commission is formed, shall assume the position on the
34 board of the watershed development commission specified
35 in IC 14-30.5-4-1(a)(1).

36 (5) The watershed development commission board may not
37 meet until the natural resources commission has given the
38 approval referred to in this subsection. Upon the convening of
39 the first meeting under IC 14-30.5-4 of the board of the
40 watershed development commission:

41 (A) the Upper Wabash River basin commission ceases to
42 exist as a separate municipal corporation under this



- 1 chapter;
- 2 (B) the Upper Wabash watershed development commission
- 3 is established as a public body corporate and politic under
- 4 IC 14-30.5;
- 5 (C) the participating counties of the Upper Wabash River
- 6 basin commission become member counties of the Upper
- 7 Wabash watershed development commission under
- 8 IC 14-30.5; and
- 9 (D) each participating county of the Upper Wabash River
- 10 basin commission is authorized to appoint an individual
- 11 under IC 14-30.5-4-1 to represent the county on the board
- 12 of the Upper Wabash watershed development commission.
- 13 (f) The executive of each participating county shall appoint at
- 14 least one (1) individual under subsection (e)(3). If the county
- 15 surveyor of a county is appointed under subsection (e)(3), the
- 16 county executive may also appoint a second individual to represent
- 17 the county executive on the board of the watershed development
- 18 commission.
- 19 (g) If established under this section, the Upper Wabash
- 20 watershed development commission:
- 21 (1) is a continuation of;
- 22 (2) retains the property and rights of; and
- 23 (3) is responsible for the actions and subject to the liabilities
- 24 of;
- 25 the former Upper Wabash River basin commission.
- 26 (h) If established under this section, the Upper Wabash
- 27 watershed development commission has all of the powers and
- 28 duties of a watershed development commission under IC 14-30.5
- 29 in the areas of the watershed of the Wabash River and the
- 30 tributaries of the Wabash River that are within the boundaries of
- 31 the member counties of the Upper Wabash watershed development
- 32 commission. For the purposes of IC 14-30.5, the areas of the
- 33 watershed of the Wabash River and the tributaries of the Wabash
- 34 River that are within the boundaries of the member counties of the
- 35 Upper Wabash watershed development commission comprise the
- 36 designated watershed of the Upper Wabash watershed
- 37 development commission.
- 38 (i) If the Upper Wabash watershed development commission is
- 39 established under this section, the board of the Upper Wabash
- 40 watershed development commission shall appoint an executive
- 41 director under IC 14-30.5-4-2(f). An individual who was executive
- 42 director of the Upper Wabash River basin commission may be



1 appointed executive director of the Upper Wabash watershed
2 development commission under this subsection.

3 (j) If the Upper Wabash watershed development commission is
4 established under this section, all property, records, and funds of
5 the former Upper Wabash River basin commission:

6 (1) become property, records, and funds of the Upper Wabash
7 watershed development commission; and

8 (2) shall be transmitted to the Upper Wabash watershed
9 development commission not more than sixty (60) days after
10 the appointment of the executive director under subsection (i).

11 SECTION 13. IC 14-30.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2023]:

14 **ARTICLE 30.5. WATERSHED DEVELOPMENT**
15 **COMMISSIONS**

16 **Chapter 1. Definitions**

17 **Sec. 1. The definitions in this chapter apply throughout this**
18 **article.**

19 **Sec. 2. "Commission" refers to a watershed development**
20 **commission established under this article.**

21 **Sec. 3. "Designated watershed" means the watershed:**

22 (1) within which a watershed development commission may
23 exercise the powers conferred by this article; and

24 (2) after which a watershed development commission is
25 named under IC 14-30.5-2-3(c).

26 **Sec. 4. "Executive" has the meaning set forth in IC 36-1-2-5.**

27 **Sec. 5. "Indiana business" has the meaning set forth in**
28 **IC 5-22-15-20.5.**

29 **Sec. 6. "Out-of-state business" refers to a business that is not an**
30 **Indiana business.**

31 **Sec. 7. (a) "Resident of Indiana" means an individual:**

32 (1) who is at least eighteen (18) years of age; and

33 (2) who:

34 (A) holds a certificate of title for a motor vehicle registered
35 in Indiana;

36 (B) is registered to vote in Indiana;

37 (C) is the parent or guardian of a child enrolled in an
38 elementary or a secondary school located in Indiana; or

39 (D) except as provided in subsection (b), derives more than
40 one-half (1/2) of the individual's gross income (as defined
41 in Section 61 of the Internal Revenue Code) from sources
42 in Indiana, according to the provisions applicable to



- 1 determining the source of adjusted gross income that are
2 set forth in IC 6-3-2-2.
- 3 **(b) An individual who meets the condition set forth in subsection**
4 **(a)(2)(D) is not a resident of Indiana if a preponderance of the**
5 **evidence concerning the conditions set forth in subsection (a)(2)(A)**
6 **through (a)(2)(C) proves that the individual is not a resident of**
7 **Indiana.**
- 8 **Sec. 8. "Surface water outlet" means the river, stream, lake,**
9 **impoundment, or other body of water into which the water in a**
10 **watershed naturally drains.**
- 11 **Sec. 9. "Taxable parcel" means a parcel of real property that is**
12 **not exempt from property taxation under IC 6-1.1-10.**
- 13 **Sec. 10. "Watershed" means the area of land from which water**
14 **naturally drains into a particular surface water outlet.**
- 15 **Chapter 2. Establishing or Joining a Watershed Development**
16 **Commission**
- 17 **Sec. 1. (a) The executive of a county may adopt an ordinance**
18 **designating the county as a member of a proposed watershed**
19 **development commission if at least ten percent (10%) of the**
20 **surface of the designated watershed, as identified in the ordinance**
21 **under subsection (b)(1), lies within the boundaries of the county.**
- 22 **(b) An ordinance adopted under this section must do the**
23 **following:**
- 24 **(1) Identify the designated watershed within which the**
25 **proposed commission would exercise its powers by:**
- 26 **(A) identifying the surface water outlet of the designated**
27 **watershed; and**
- 28 **(B) setting forth the geographic boundaries of the entire**
29 **area, both inside and outside the county, from which water**
30 **drains into the surface water outlet.**
- 31 **(2) Specify the area or areas of the county that are inside the**
32 **geographic boundaries of the designated watershed, as**
33 **identified under subdivision (1).**
- 34 **(3) Set forth the flood damage reduction, drainage, storm**
35 **water management, or water infrastructure purposes for**
36 **which the proposed commission would be established.**
- 37 **(4) State the flood damage reduction, drainage, storm water**
38 **management, or water infrastructure needs of the county that**
39 **would be addressed through the county's membership in the**
40 **proposed commission.**
- 41 **(c) A county executive that adopts an ordinance under this**
42 **section designating a county as a member of a proposed watershed**



1 development commission must submit to the natural resources
2 commission:

- 3 (1) a copy of the ordinance; and
4 (2) a written request for the natural resources commission's
5 recognition of the proposed commission under section 2 of this
6 chapter.

7 **Sec. 2. (a)** If one (1) county executive submits an ordinance and
8 a written request for recognition of a proposed watershed
9 development commission under section 1(c) of this chapter, the
10 natural resources commission shall decide under subsections (c)
11 through (e) whether to recognize the proposed commission.

12 (b) If the county executives of two (2) or more counties submit
13 ordinances and written requests under section 1(c) of this chapter
14 for recognition of a single proposed watershed development
15 commission empowered to act in a single designated watershed
16 that includes areas within both or all of the counties:

- 17 (1) the natural resources commission may not decide whether
18 to recognize the proposed commission unless the provisions of
19 the ordinances submitted under section 1(c)(1) of this chapter
20 are essentially identical in:

- 21 (A) identifying the designated watershed; and
22 (B) stating the purposes of the proposed commission; and
23 (2) if the natural resources commission determines that the
24 requirement set forth in subdivision (1) is met, the natural
25 resources commission shall decide under subsections (c)
26 through (e) whether to recognize the proposed commission.

27 (c) Before making a decision whether to recognize a proposed
28 commission under this section, the natural resources commission
29 shall hold at least one (1) public hearing concerning the proposed
30 commission in each county whose executive submitted an
31 ordinance and a written request for recognition of the proposed
32 commission under section 1(c) of this chapter. Any interested
33 person attending a public hearing held under this subsection shall
34 have the right to:

- 35 (1) address the natural resources commission; and
36 (2) provide written comments;

37 on whether the proposed commission should be established. An
38 officer or employee of the division of hearings of the natural
39 resources commission may, on behalf of the natural resources
40 commission, convene the meeting, record the testimony given, and
41 receive the written comments provided.

42 (d) The natural resources commission shall give notice of a



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

public hearing to be held under subsection (c):

- (1) by publication at least one (1) time in one (1) newspaper of general circulation in the county in which the hearing will be held; and**
- (2) through the website of the natural resources commission.**

(e) In deciding whether to recognize a proposed commission, the natural resources commission shall determine the answer to each of the following questions:

- (1) Are the purposes for which the proposed commission would be established, as set forth in the ordinance or ordinances under section 1(b)(3) of this chapter, within the purposes set forth in IC 14-30.5-3-1 for which a watershed development commission may be established?**
- (2) Do the purposes of the proposed commission, as set forth in the ordinance or ordinances under section 1(b)(3) of this chapter, correspond to legitimate flood damage reduction, drainage, storm water management, or water infrastructure needs of each county seeking establishment of the commission, as set forth under section 1(b)(4) of this chapter?**
- (3) Is it reasonable to expect that the establishment of a commission having powers under this article only in the county or counties from which the ordinance or ordinances were submitted under section 1(c)(1) of this chapter would effectively address the flood damage reduction, drainage, storm water management, or water infrastructure needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?**
- (4) Is it reasonable to expect that the establishment of a commission that has powers under this article only in the area or areas inside the geographic boundaries of the designated watershed would effectively address the flood damage reduction, drainage, storm water management, or water infrastructure needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?**

(f) If:

- (1) one (1) county's executive submits an ordinance and a request for recognition of a proposed commission under section 1(c) of this chapter; and**
- (2) the natural resources commission answers all of the questions set forth in subsection (e) favorably;**

the natural resources commission shall issue an order recognizing the watershed development commission and recognizing the county



1 referred to in subdivision (1) as a member of the watershed
2 development commission.

3 (g) If:

4 (1) executives of two (2) or more counties submit ordinances
5 and requests for recognition of a proposed watershed
6 development commission under section 1(c) of this chapter;
7 and

8 (2) the natural resources commission answers all of the
9 questions set forth in subsection (e) favorably with respect to
10 at least one (1) of the counties;

11 the natural resources commission shall issue an order recognizing
12 the watershed development commission and recognizing as a
13 member of the watershed development commission each county
14 with respect to which the natural resources commission answered
15 all of the questions set forth in subsection (e) favorably.

16 (h) If the natural resources commission does not answer all of
17 the questions set forth in subsection (e) favorably with respect to
18 a county, the natural resources commission shall:

19 (1) inform the executive of the county in writing of its
20 decision; and

21 (2) specify in the writing the reason or reasons for each
22 unfavorable answer.

23 (i) The action of the natural resources commission under this
24 section in declining to recognize a proposed watershed
25 development commission for a particular watershed does not
26 preclude the later submission of one (1) or more new ordinances
27 and written requests for recognition of a proposed watershed
28 development commission for the same designated watershed.

29 (j) An action of the natural resources commission under this
30 section declining to recognize a particular county as a member of
31 a watershed development commission does not preclude the later
32 submission of:

33 (1) another ordinance and written request under section 1(c)
34 of this chapter for recognition of the county as a member of
35 another proposed watershed development commission; or

36 (2) an ordinance and written request under section 4 or 5 of
37 this chapter proposing the county for membership in an
38 established watershed development commission.

39 Sec. 3. (a) Upon the natural resources commission's issuance of
40 an order recognizing a proposed watershed development
41 commission under section 2 of this chapter:

42 (1) the commission is established as a public body corporate



1 and politic; and

2 (2) each county recognized as a member of the commission
3 under section 2(f) or 2(g) of this chapter becomes a member
4 of the commission.

5 (b) A county recognized as a member of a commission under
6 section 2(f) or 2(g) of this chapter is entitled to representation on
7 the board of the commission under IC 14-30.5-4-1.

8 (c) A watershed development commission established under this
9 chapter shall be named after the surface water outlet of the
10 commission's designated watershed, in the following style: "(Name
11 of Surface Water Outlet) Watershed Development Commission".

12 Sec. 4. (a) The executive of a county may adopt an ordinance
13 proposing the county for membership in an established watershed
14 development commission if at least ten percent (10%) of the
15 surface of the commission's designated watershed lies within the
16 boundaries of the county.

17 (b) An ordinance adopted under this section must do the
18 following:

19 (1) Identify the existing commission in which the county seeks
20 membership.

21 (2) Specify the area or areas of the county that are within the
22 designated watershed of the existing commission.

23 (3) State the flood damage reduction, drainage, storm water
24 management, or water infrastructure needs of the county that
25 would be addressed through the county's membership in the
26 existing commission.

27 (c) A county executive that adopts an ordinance under this
28 section proposing the county for membership in an existing
29 commission must submit to the natural resources commission:

30 (1) a copy of the ordinance; and

31 (2) a written request for the natural resources commission's
32 recognition of the county as a member of the existing
33 commission.

34 Sec. 5. (a) The executive of a county may adopt an ordinance
35 proposing the county for membership in an established watershed
36 development commission even if less than ten percent (10%) of the
37 surface of the designated watershed of the commission lies within
38 the boundaries of the county.

39 (b) An ordinance adopted under this section must do the
40 following:

41 (1) Identify the existing commission in which the county seeks
42 membership.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(2) Specify the area or areas of the county that are within the designated watershed of the existing commission.

(3) State the flood damage reduction, drainage, storm water management, or water infrastructure needs of the county that would be addressed through the county's membership in the existing commission.

(c) A county executive that adopts an ordinance under this section proposing the county for membership in an existing watershed development commission must submit to the natural resources commission:

- (1) a copy of the ordinance; and**
- (2) a written request for the natural resources commission's recognition of the county as a member of the existing commission.**

(d) If a county to which this section applies becomes a member of an existing commission, the county is subject to section 7(c) of this chapter.

Sec. 6. (a) A county to which section 4 or 5 of this chapter applies may not become a member of an existing watershed development commission unless:

- (1) the executives of all of the counties that are members of the existing commission adopt ordinances accepting the county as a member county of the existing commission; and**
- (2) the natural resources commission issues an order under this section recognizing the county as a member county of the existing commission.**

(b) Before making a decision whether to recognize a county as a member county of an existing commission under this section, the natural resources commission shall hold at least one (1) public hearing in the county concerning the proposed membership of the county in the existing commission. Any interested person attending a public hearing held under this subsection shall have the right to:

- (1) address the natural resources commission; and**
- (2) provide written comments;**

concerning the proposed membership of the county in the existing commission. An officer or employee of the division of hearings of the natural resources commission may, on behalf of the natural resources commission, convene the meeting, record the testimony given, and receive the written comments provided.

(c) The natural resources commission shall give notice of a public hearing to be held under subsection (b):

- (1) by publication at least one (1) time in one (1) newspaper of**



1 general circulation in the county in which the hearing will be
2 held; and

3 (2) through the website of the natural resources commission.

4 (d) In deciding whether to recognize a county to which section
5 4 or 5 of this chapter applies as a member of an existing
6 commission, the natural resources commission shall determine the
7 answer to each of the following questions:

8 (1) Do the stated purposes for which the watershed
9 development commission was established correspond to the
10 flood damage reduction, drainage, storm water management,
11 or water infrastructure needs of the county, as stated under
12 section 4(b)(3) or 5(b)(3) of this chapter?

13 (2) Is it reasonable to expect that the county's flood damage
14 reduction, drainage, storm water management, or water
15 infrastructure needs, as stated under section 4(b)(3) or 5(b)(3)
16 of this chapter, would be addressed more effectively if the
17 county were a member of the existing commission than those
18 needs have previously been addressed?

19 (3) Would the county's membership in the existing
20 commission diminish the effectiveness of the existing
21 watershed development commission in addressing the flood
22 damage reduction, drainage, storm water management, or
23 water infrastructure needs of other member counties?

24 (e) If the natural resources commission answers all of the
25 questions set forth in subsection (d) favorably, the natural
26 resources commission shall issue an order recognizing the
27 membership of the county in the existing commission.

28 (f) If the natural resources commission does not answer all of
29 the questions set forth in subsection (d) favorably, the natural
30 resources commission shall inform the executive of the county to
31 which section 4 or 5 of this chapter applies in writing of its decision
32 and specify in the writing the reason or reasons for each
33 unfavorable answer.

34 (g) An action of the natural resources commission under this
35 section declining to recognize a county as a member of an
36 established watershed development commission does not preclude
37 the later submission of another ordinance under section 4 or 5 of
38 this chapter seeking membership for the county in an existing
39 commission.

40 Sec. 7. (a) If:

41 (1) the executives of all of the counties that are members of an
42 existing watershed development commission adopt ordinances



1 under section 6(a)(1) of this chapter accepting a county to
 2 which section 4 or 5 of this chapter applies as a member
 3 county of the existing commission; and
 4 (2) the natural resources commission recognizes the county as
 5 a member of the watershed development commission under
 6 section 6(e) of this chapter;

7 the county becomes a member of the existing commission upon the
 8 satisfaction of subdivision (1) or (2), whichever is satisfied later.

9 (b) If a county to which section 4 of this chapter applies becomes
 10 a member of an existing commission under this section, the county
 11 is entitled to representation on the board of the existing
 12 commission under IC 14-30.5-4-1.

13 (c) If a county to which section 5 of this chapter applies becomes
 14 a member of an existing commission under this section, the county
 15 is not entitled to representation on the board of the existing
 16 commission under IC 14-30.5-4-1 unless:

- 17 (1) the natural resources commission, in the order issued
 18 under section 6(e) of this chapter recognizing the county as a
 19 member of the existing watershed development commission,
 20 recommends that the county be granted representation on the
 21 board of the existing commission; and
- 22 (2) the executives of all of the counties that are members of
 23 the existing commission adopt ordinances granting the county
 24 representation on the board of the commission.

25 **Chapter 3. Purposes, Powers, and Duties of a Watershed**
 26 **Development Commission**

27 **Sec. 1. (a) The flood damage reduction, drainage, storm water**
 28 **management, and water infrastructure purposes for which a**
 29 **watershed development commission may be established include the**
 30 **following:**

- 31 (1) Planning, taking, and promoting action to prevent or
 32 mitigate flooding through generally accepted structural and
 33 nonstructural means, including the following:
 - 34 (A) Bank stabilization.
 - 35 (B) Expansion of water storage capacity.
 - 36 (C) Erosion control.
 - 37 (D) Sediment reduction.
 - 38 (E) Logjam management.
 - 39 (F) Selective construction, maintenance, and removal of
 40 berms.
 - 41 (G) Construction of levees.
 - 42 (H) Bridge and structure removal and replacement.



- 1 **(2) Taking and promoting action to enhance drainage in ways**
 2 **consistent with storm water management requirements.**
 3 **(3) Taking and promoting action to address water**
 4 **infrastructure needs related to flood damage reduction, storm**
 5 **water management, and drainage.**
 6 **(4) Set voluntary water quality goals.**
 7 **(b) Subject to subsection (c), the purposes for which a watershed**
 8 **development commission may be established, in addition to those**
 9 **set forth in subsection (a), may include one (1) or more purposes**
 10 **related to water quality within the boundaries of the designated**
 11 **watershed, such as:**
 12 **(1) reducing the runoff of nutrients and soil into streams and**
 13 **bodies of water by promoting the use of improved ditch design**
 14 **and the reestablishment of strategically located wetlands; and**
 15 **(2) reducing ground water contamination by promoting the**
 16 **use of improved septic system technology.**
 17 **However, a water quality purpose, goal, or project does not convey**
 18 **water quality regulatory authority to a watershed development**
 19 **commission.**
 20 **(c) A watershed development commission may not have a**
 21 **purpose described in subsection (b) unless:**
 22 **(1) the board of the commission, in addition to developing a**
 23 **flood damage reduction and drainage plan under section 4 of**
 24 **this chapter, develops a water quality improvement plan that:**
 25 **(A) describes water quality problems within the**
 26 **boundaries of the designated watershed; and**
 27 **(B) proposes one (1) or more actions that the watershed**
 28 **development commission could take to address those**
 29 **problems;**
 30 **(2) the board of the watershed development commission**
 31 **submits the water quality improvement plan to the natural**
 32 **resources commission; and**
 33 **(3) the natural resources commission, after:**
 34 **(A) determining whether the water quality problems**
 35 **described in the water quality improvement plan truly**
 36 **exist within the boundaries of the watershed development**
 37 **commission's designated watershed; and**
 38 **(B) considering whether it is likely that the efforts of the**
 39 **watershed development commission would be a practically**
 40 **effective and cost effective means of addressing the water**
 41 **quality problems;**
 42 **approves the commission's water quality improvement plan.**



1 **Sec. 2. A watershed development commission is granted powers**
 2 **by this chapter for the benefit of the people of Indiana and for the**
 3 **increase of their commerce, health, enjoyment, and prosperity. The**
 4 **operation, creation, development, and maintenance of the projects**
 5 **by a watershed development commission constitute the**
 6 **performance of essential governmental functions.**

7 **Sec. 3. A watershed development commission shall limit its**
 8 **activities to the commission's designated watershed.**

9 **Sec. 4. (a) The board of a watershed development commission**
 10 **shall develop a plan for flood damage reduction and drainage**
 11 **within the commission's designated watershed.**

12 **(b) A watershed development commission:**

13 **(1) subject to subsection (f), has exclusive authority to**
 14 **perform drainage and flood damage reduction activities**
 15 **within the channel of:**

16 **(A) the river that is the surface water outlet of the**
 17 **commission's designated watershed; or**

18 **(B) each river that flows directly into the surface water**
 19 **outlet, if the surface water outlet of the commission's**
 20 **designated watershed is a lake or impoundment;**

21 **and within the area extending seventy-five (75) feet from the**
 22 **top of each bank of the river;**

23 **(2) may participate in the flood control program established**
 24 **under IC 5-1.2-13; and**

25 **(3) may acquire interests in land, including easements, for the**
 26 **commission's use in:**

27 **(A) providing flood storage; and**

28 **(B) the construction of levees and other flood damage**
 29 **reduction improvements.**

30 **(c) The drainage and flood damage reduction activities that a**
 31 **watershed development commission has exclusive authority to**
 32 **perform under subsection (b)(1) include the following:**

33 **(1) Bank stabilization.**

34 **(2) Tree removal.**

35 **(3) Construction and operation of sand traps.**

36 **(4) Channel reconstruction.**

37 **(5) Sediment removal.**

38 **(6) The acquisition, construction, and maintenance of access**
 39 **roads to levees and the channel of a river to which subsection**
 40 **(b)(1) applies.**

41 **(7) Other actions that the board of the watershed development**
 42 **commission reasonably considers necessary to carry out this**



- 1 chapter.
- 2 (d) Subject to subsection (f), a county must obtain the
3 authorization of the board of the watershed development
4 commission before performing any:
- 5 (1) construction work; or
6 (2) drainage or flood damage reduction activities;
7 within the area described in subsection (b)(1) unless the work must
8 be performed in response to an emergency.
- 9 (e) Subsection (f) applies if a governmental entity other than the
10 watershed development commission has authority:
- 11 (1) to perform one (1) or more activities set forth in subsection
12 (c) within any part of the watershed development
13 commission's designated watershed; and
14 (2) to collect a tax or an assessment or to impose another duty
15 of financial contribution upon the owners of property located
16 in any part of the watershed development commission's
17 designated watershed.
- 18 (f) The board of a watershed development commission may
19 enter into an interlocal cooperation agreement under IC 36-1-7
20 with a governmental entity described in subsection (e):
- 21 (1) under which:
- 22 (A) the watershed development commission will perform,
23 and the other governmental entity will relinquish its
24 authority to perform, the activity or activities set forth in
25 subsection (c) within the watershed development
26 commission's designated watershed; and
27 (B) the governmental entity will cease collecting the tax or
28 assessment or imposing the other duty of financial
29 contribution described in subsection (e)(2) for performing
30 the activity or activities set forth in subsection (c) within
31 the watershed development commission's designated
32 watershed; or
- 33 (2) under which:
- 34 (A) the governmental entity will continue to perform, and
35 the watershed development commission will relinquish its
36 authority to perform, the activity or activities set forth in
37 subsection (c) within the part of the watershed
38 development commission's designated watershed in which
39 the governmental entity performs those activities;
40 (B) the governmental entity will continue collecting the tax
41 or assessment or imposing the other duty of financial
42 contribution described in subsection (e)(2) in the part of



1 the watershed development commission's designated
 2 watershed in which the governmental entity performs the
 3 activity or activities set forth in subsection (c); and
 4 (C) the watershed development commission will:
 5 (i) relinquish its authority to receive; or
 6 (ii) appropriately reduce;
 7 the annual special assessments or support by optional
 8 methods to which the watershed development commission
 9 is otherwise entitled under IC 14-30.5-5 with respect to
 10 taxable parcels of real property located in the part of the
 11 watershed development commission's designated
 12 watershed in which the governmental entity performs the
 13 activity or activities set forth in subsection (c).

14 **Sec. 5.** The board of a watershed development commission may
 15 do the following:

- 16 (1) Conduct all studies necessary for the performance of the
 17 board's duties.
- 18 (2) Publicize, advertise, and distribute reports on the
 19 commission's purposes, objectives, and findings.
- 20 (3) Provide recommendations in matters related to the
 21 commission's functions and objectives to:
 22 (A) a political subdivision located in the designated
 23 watershed; or
 24 (B) any public or private agency;
 25 upon request from the political subdivision or agency.
- 26 (4) Upon request, act as a coordinating agency for programs
 27 and activities of other public and private agencies that are
 28 related to the commission's objectives.

29 **Sec. 6.** (a) A watershed development commission may receive
 30 grants and appropriations from the following:

- 31 (1) Federal, state, and local governments.
- 32 (2) Individuals, foundations, and other organizations.
- 33 (b) A watershed development commission may enter into
 34 agreements or contracts regarding the acceptance or use of grants
 35 and appropriations for the purpose of carrying out the
 36 commission's activities under this chapter.
- 37 (c) A watershed development commission must expend money
 38 appropriated to the commission for the purpose for which the
 39 money is appropriated.

40 **Sec. 7.** (a) A watershed development commission may:

- 41 (1) acquire and dispose of real or personal property by grant,
 42 gift, purchase, lease, devise, or otherwise; and



1 (2) hold, use, improve, maintain, operate, own, manage, or
 2 lease as lessor or lessee real or personal property or any
 3 interest in that property;
 4 for the purposes set forth in this chapter.

5 (b) A watershed development commission may exercise the
 6 powers granted by this section for the development of the water
 7 resources of the commission's designated watershed.

8 **Sec. 8.** A watershed development commission may sue and be
 9 sued.

10 **Sec. 9. (a)** A watershed development commission, with the
 11 approval of:

12 (1) the affected regional planning commission established
 13 under IC 36-7-7 or IC 36-7-7.6; and

14 (2) the department;

15 may enter into agreements with agencies in another state that are
 16 responsible for the planning or development of flood damage
 17 reduction and drainage measures in the part of the commission's
 18 designated watershed that is located in the other state.

19 (b) If a watershed development commission has water quality
 20 purposes under section 1(b) of this chapter, the commission, with
 21 the approval of:

22 (1) the affected regional planning commission established
 23 under IC 36-7-7 or IC 36-7-7.6; and

24 (2) the department;

25 may enter into agreements with agencies in another state that are
 26 responsible for water quality in the part of the commission's
 27 designated watershed that is located in the other state. However,
 28 an agreement under this subsection does not convey water quality
 29 regulatory authority to a watershed development commission.

30 **Chapter 4. Governance of a Watershed Development**
 31 **Commission**

32 **Sec. 1. (a)** Except as provided in subsection (c), the board of a
 33 watershed development commission consists of the following
 34 individuals:

35 (1) The director of the department or the director's designee.

36 (2) One (1) individual representing each county that:

37 (A) is a member of the commission; and

38 (B) is entitled to membership on the board.

39 All of the members of the board of a commission to which this
 40 subsection applies are voting members.

41 (b) The executive of a county described in subsection (a)(2) shall
 42 appoint the individual to represent the county on the board of the



1 commission under subsection (a)(2). However, if the position of an
 2 individual appointed under subsection (a)(2) becomes vacant, the
 3 county surveyor of the county shall represent the county on the
 4 board under subsection (a)(2) until a new appointment is made by
 5 the county executive under subsection (a)(2).

6 (c) If only one (1) county is a member of a watershed
 7 development commission, the board of the commission consists of
 8 the following individuals:

9 (1) The director of the department or the director's designee.

10 (2) One (1) individual appointed by the executive of the
 11 county.

12 (3) The county surveyor of the county.

13 All of the members of the board of a commission to which this
 14 subsection applies are voting members.

15 (d) The executive of a county described in subsection (c) shall
 16 appoint the individual to represent the county on the board of the
 17 watershed development commission under subsection (c)(2).
 18 However, if the position of an individual appointed under
 19 subsection (c)(2) becomes vacant, the executive of the county shall
 20 appoint an individual other than the county surveyor under
 21 subsection (c)(2) to fill the vacant position.

22 (e) An individual appointed to represent a county on the board
 23 of a watershed development commission under subsection (a)(2) or
 24 (c)(2):

25 (1) must have a background in construction, project
 26 management, flood damage reduction, drainage, or a similar
 27 professional background; and

28 (2) must reside in the county.

29 (f) The term of office of an individual appointed under
 30 subsection (a)(2) or (c)(2):

31 (1) is four (4) years; and

32 (2) continues until the individual's successor is appointed.

33 (g) An individual appointed under subsection (a)(2) or (c)(2) is
 34 eligible for reappointment.

35 Sec. 2. (a) Except as provided in subsection (b), the voting
 36 members of the board of a watershed development commission
 37 shall elect the following officers:

38 (1) A chair.

39 (2) A vice chair.

40 (3) A secretary-treasurer.

41 (b) The board of a watershed development commission to which
 42 section 1(c) of this chapter applies shall elect the following officers:



- 1 (1) A chair.
- 2 (2) A secretary-treasurer.
- 3 (c) When one (1) or more additional counties that are entitled to
- 4 representation on the board of a watershed development
- 5 commission under IC 14-30.5-2-7(b) or IC 14-30.5-2-7(c) become
- 6 members of the commission, the offices referred to in subsection
- 7 (a) or (b) become vacant and the members of the board shall elect
- 8 new officers under subsection (a).
- 9 (d) The term of an individual elected to an office under
- 10 subsection (a) or (b) may not exceed one (1) year, but the individual
- 11 is eligible for reelection.
- 12 (e) An individual elected to an office under subsection (a) or (b)
- 13 shall perform the duties usually pertaining to the office.
- 14 (f) The board of a watershed development commission:
- 15 (1) shall appoint an executive director; and
- 16 (2) may establish and fill other offices the board considers
- 17 necessary.
- 18 Sec. 3. (a) The board of a watershed development commission
- 19 shall meet:
- 20 (1) at least four (4) times per calendar year; and
- 21 (2) on the call of either of the following:
- 22 (A) The chair.
- 23 (B) A quorum of the members of the board.
- 24 (b) A majority of the voting members of a board constitutes a
- 25 quorum.
- 26 (c) The affirmative votes of a majority of the voting members of
- 27 a board are required for the board to take action.
- 28 (d) A board may adopt rules for the transaction of business.
- 29 (e) A board shall keep a record of its findings, resolutions, and
- 30 transactions. The record kept under this subsection is a public
- 31 record open to inspection and copying under IC 5-14-3.
- 32 Sec. 4. A member of the board of a watershed development
- 33 commission is not entitled to receive any compensation for
- 34 performance of the member's duties except that a member is
- 35 entitled to a minimum salary per diem from the watershed
- 36 development commission for the member's participation in board
- 37 meetings. The amount of the per diem is equal to the amount of the
- 38 per diem provided under IC 4-10-11-2.1(b).
- 39 Sec. 5. (a) There is established for each watershed development
- 40 commission an advisory committee to provide counsel to the board
- 41 of the commission.
- 42 (b) Except as provided in subsections (c) and (d), a watershed



1 development commission advisory committee established under
2 this section consists of:

3 (1) a member or representative of the board of supervisors of
4 the soil and water conservation district of each county that is
5 a member of the commission, selected by the board of
6 supervisors; and

7 (2) subject to subsection (c), the county surveyor of each
8 county that is a member of the commission.

9 (c) If the county surveyor of a member county is representing
10 the county on the board of a watershed development commission
11 under section 1(b) or 1(c)(3) of this chapter, the executive of the
12 county may appoint an individual other than the county surveyor
13 to represent the county on the advisory committee. The
14 appointment of an individual to an advisory committee under this
15 subsection expires and the county surveyor becomes a member of
16 the advisory committee when the county surveyor ceases to
17 represent the county on the board of the watershed development
18 commission under section 1(b) or 1(c)(3) of this chapter.

19 (d) If the St. Joseph watershed development commission is
20 established under IC 14-30-3-33:

21 (1) the individuals serving as members of the St. Joseph River
22 basin commission under IC 14-30-3-8 become members of the
23 advisory committee of the St. Joseph watershed development
24 commission;

25 (2) the term of office of an individual who becomes a member
26 of the advisory committee of the St. Joseph watershed
27 development commission under subdivision (1) is as provided
28 in IC 14-30-3-9; and

29 (3) upon:

30 (A) the expiration under IC 14-30-3-9; or

31 (B) the termination under any other circumstances;

32 of the term of office of an individual described in subdivision
33 (1), the office of the individual shall be filled by a successor
34 according to IC 14-30-3-33(j)(4).

35 Sec. 6. (a) The board of a watershed development commission
36 may establish an ad hoc advisory committee other than the
37 advisory committee established under section 5 of this chapter to
38 advise the board on one (1) or more particular subjects.

39 (b) The board may appoint to an ad hoc advisory committee
40 established under this section any individual whose knowledge,
41 experience, training, or interest enables the individual to provide
42 counsel to the board concerning the subject or subjects referred to



1 in subsection (a).

2 **Sec. 7. A member of an advisory committee established under**
 3 **section 5 of this chapter or a member of an ad hoc advisory**
 4 **committee established under section 6 of this chapter is not entitled**
 5 **to compensation for the member's services.**

6 **Chapter 5. Funding of a Watershed Development Commission**

7 **Sec. 1. (a) A watershed development commission is authorized**
 8 **to provide special benefits to taxpayers in the designated watershed**
 9 **by promoting public safety and economic development that is of**
 10 **public use and benefit through public funds provided by:**

11 (1) the fiscal bodies of the Indiana counties that are members
 12 of the watershed development commission; and

13 (2) the special assessments imposed under subsection (b) or
 14 the optional methods of supporting the watershed
 15 development commission as set forth in subsection (d).

16 (b) Except as provided in subsections (c) and (d), there is
 17 imposed in the designated watershed of each watershed
 18 development commission in each calendar year an annual special
 19 assessment against each taxable parcel of real property that is
 20 located in the county and within any part of the commission's
 21 designated watershed, as follows:

22 (1) For a residential parcel of real property, seven dollars
 23 (\$7).

24 (2) For an agricultural parcel of real property, the product of:

25 (A) one dollar (\$1); multiplied by

26 (B) the number of acres in the parcel.

27 (3) For a commercial parcel of real property on which no
 28 structures are situated, the product of:

29 (A) two dollars (\$2); multiplied by

30 (B) the number of acres in the parcel.

31 (4) For a commercial parcel of real property on which at least
 32 one (1) structure is situated, fifty dollars (\$50).

33 (5) For an industrial or public utility parcel of real property,
 34 three hundred sixty dollars (\$360).

35 (c) The amounts of the special assessment set forth in subsection
 36 (b) are maximum amounts. The annual special assessment imposed
 37 in a calendar year against each taxable parcel of real property that
 38 is located in the county and within the watershed development
 39 commission's designated watershed may be set by the board of the
 40 watershed development commission at amounts lower than those
 41 set forth in subsection (b). If the board of a commission determines
 42 that the anticipated financial needs of the commission in the



1 approaching calendar year do not require the full amount of
 2 revenue that would be generated by the special assessment at the
 3 amounts set forth in subsection (b), the board, before the first of
 4 the public informational meetings held under section 2 of this
 5 chapter, may adopt a resolution providing that the special
 6 assessment for the approaching calendar year for each class of
 7 property described in subsection (b)(1) through (b)(5) will be equal
 8 to the amount set forth in subsection (b)(1) through (b)(5) for the
 9 class of property, reduced by a percentage determined by the
 10 board. The same percentage shall be used to reduce all of the
 11 assessment amounts set forth in subsection (b)(1) through (b)(5).
 12 The board shall set the reduction percentage so as to produce
 13 revenue expected to be sufficient to meet the anticipated financial
 14 needs of the watershed development commission in the
 15 approaching calendar year.

16 (d) The taxable parcels of real property located in a county are
 17 not subject to the special assessment imposed by subsection (b) or
 18 (c) if the fiscal body of the county adopts a resolution opting to
 19 implement one (1) of the following methods of supporting the
 20 watershed development commission:

21 (1) The county may pay direct support to the watershed
 22 development commission from any resources available to the
 23 county. Direct support paid under this subdivision in a
 24 calendar year must equal at least ninety percent (90%) of the
 25 total amount that would otherwise be due in the annual
 26 special assessment against taxable parcels of real property in
 27 the county under subsection (b) or (c).

28 (2) The county may:

29 (A) impose a special assessment against one (1) or more of
 30 the classes of property to which subsection (b)(1) through
 31 (b)(5) would otherwise apply that is less than the special
 32 assessment that would otherwise apply to the class or
 33 classes of property under subsection (b) or (c); and

34 (B) supplement the special assessments imposed under
 35 clause (A) by paying direct support to the watershed
 36 development commission from any resources available to
 37 the county;

38 if the total of the special assessment imposed under clause (A)
 39 and the direct support paid under clause (B) in a calendar
 40 year at least equals the total amount that would otherwise be
 41 due in the annual special assessment against taxable parcels
 42 of real property in the county under subsection (b) or (c).



1 **(3) The county may impose a schedule of special assessments**
 2 **under which:**
 3 **(A) a special assessment for one (1) or more of the classes**
 4 **of property described in subsection (b)(1) through (b)(5) is**
 5 **greater than the special assessment that would otherwise**
 6 **apply to the class or classes of property under subsection**
 7 **(b) or (c); and**
 8 **(B) the total amount of revenue in the calendar year from**
 9 **the special assessment imposed under clause (A) is greater**
 10 **than the total amount of revenue that would otherwise be**
 11 **produced by the annual special assessment against taxable**
 12 **parcels of real property in the county under subsection (b)**
 13 **or (c).**

14 **(e) Payments of direct support under subsection (d)(1) are due**
 15 **at the same time that special assessments would otherwise be paid**
 16 **to the watershed development commission under section 3(e) of this**
 17 **chapter.**

18 **Sec. 2. (a) Before January 1 of a calendar year in which an**
 19 **annual special assessment will be imposed under section 1(b) of this**
 20 **chapter or the watershed development commission will be**
 21 **supported through another method under section 1(d) of this**
 22 **chapter, the board of the watershed development commission must**
 23 **hold at least two (2) public informational meetings in each county**
 24 **that is a member of the watershed development commission**
 25 **concerning:**

26 **(1) the nature and details of the special assessment imposed**
 27 **under section 1(b) or 1(c) of this chapter or the support**
 28 **provided under section 1(d) of this chapter; and**
 29 **(2) a description of:**

30 **(A) the flood damage reduction projects;**
 31 **(B) the administrative needs; and**
 32 **(C) if the watershed district has water quality purposes**
 33 **under IC 14-30.5-3-1(b), the water quality projects and**
 34 **actions;**

35 **for which the revenue generated from the annual special**
 36 **assessment imposed under section 1(b) or 1(c) of this chapter**
 37 **or the support provided under section 1(d) of this chapter will**
 38 **be used.**

39 **(b) A majority of the members of the board of the watershed**
 40 **development commission, including the executive director of the**
 41 **board and the member or members of the board who were**
 42 **appointed from the county in which the meeting is being held, must**



1 be present for a meeting held under subsection (a).

2 **Sec. 3. (a) In each calendar year in which an annual special**
 3 **assessment will be imposed under section 1(b), 1(c), 1(d)(2), or**
 4 **1(d)(3) of this chapter, the county auditor shall do the following**
 5 **with respect to the property tax statement of the owner of a taxable**
 6 **parcel that is subject to the special assessment:**

7 (1) Add the amount of the special assessment.

8 (2) Designate the special assessment in a manner distinct from
 9 general taxes.

10 (3) Indicate that the full annual assessment is due in the year
 11 in which the statement is sent to the owner of the taxable
 12 parcel.

13 (b) A special assessment imposed under section 1(b), 1(c),
 14 1(d)(2), or 1(d)(3) of this chapter shall be collected in the same
 15 manner as other special assessments are collected under IC 6-1.1.
 16 However, a delinquent special assessment is not subject to
 17 enforcement under IC 6-1.1-24 and IC 6-1.1-25. The following
 18 apply to the enforcement of a special assessment:

19 (1) The assessment is not the personal obligation of the owner
 20 of the taxable parcel affected by the assessment.

21 (2) A special assessment constitutes a lien against the taxable
 22 parcel.

23 (3) The lien described in subdivision (2) is superior to all other
 24 liens except tax liens and first lien mortgages.

25 (c) At the time of each annual tax settlement, the county auditor
 26 shall certify the amount of the special assessments collected.

27 (d) The county auditor shall do the following:

28 (1) In the case of special assessments imposed under section
 29 1(b) or 1(c) of this chapter, the county auditor shall pay the
 30 total amount of the special assessments collected under this
 31 section to the watershed development commission for deposit
 32 under section 6 of this chapter.

33 (2) In the case of a county in which the fiscal body adopts a
 34 resolution to impose special assessments under section 1(d)(2)
 35 of this chapter, the county auditor shall do the following:

36 (A) Retain from the special assessments collected under
 37 this section for the county's use under section 5 of this
 38 chapter an amount equal to ten percent (10%) of the
 39 amount that would otherwise be due under section 1(b) of
 40 this chapter in the annual special assessment against
 41 taxable parcels of real property in the county that are
 42 located within any part of the watershed development



- 1 commission's designated watershed.
- 2 **(B) Pay the remainder of the special assessments collected**
- 3 **under this section to the watershed development**
- 4 **commission for deposit under section 6 of this chapter.**
- 5 **(3) In the case of a county in which the fiscal body adopts a**
- 6 **resolution to impose special assessments under section 1(d)(3)**
- 7 **of this chapter, the county auditor shall do the following:**
- 8 **(A) Retain from the special assessments collected under**
- 9 **this section the following amounts for the county's use**
- 10 **under section 5 of this chapter:**
- 11 **(i) The total amount of the special assessments imposed**
- 12 **under section 1(d)(3) of this chapter that exceeds the**
- 13 **amount that would otherwise be due in the annual**
- 14 **special assessment against taxable parcels of real**
- 15 **property in the county under section 1(b) or 1(c) of this**
- 16 **chapter.**
- 17 **(ii) An amount equal to ten percent (10%) of the amount**
- 18 **that would otherwise be due in the annual special**
- 19 **assessment against taxable parcels of real property in the**
- 20 **county under section 1(b) or 1(c) of this chapter.**
- 21 **(B) Pay the remainder of the special assessments collected**
- 22 **under this section to the watershed development**
- 23 **commission for deposit under section 6 of this chapter.**
- 24 **(e) The county auditor shall make the payments to the**
- 25 **watershed development commission required by subsection (d) on**
- 26 **the dates of the June and December settlement and apportionment**
- 27 **of property taxes collected under IC 6-1.1.**
- 28 **Sec. 4. (a) If:**
- 29 **(1) a county fails to pay direct support or special assessments**
- 30 **to the watershed development commission when due under**
- 31 **section 1(e) or 3(e) of this chapter; and**
- 32 **(2) more than thirty (30) days have elapsed since the due date;**
- 33 **the watershed development commission shall notify the auditor of**
- 34 **state of the county's failure to pay and the amount due from the**
- 35 **county. The commission may request that the auditor of state pay**
- 36 **the amount due from local income taxes otherwise distributable to**
- 37 **the county under IC 6-3.6. The auditor of state shall immediately**
- 38 **contact the county auditor and the commission to confirm whether**
- 39 **the county is unable to make the required payment. Upon**
- 40 **confirming the county's inability to make the payment, the auditor**
- 41 **of state shall deduct the amount due from the next distribution of**
- 42 **local income taxes allocated to the county under IC 6-3.6.**



1 **(b) This section shall be interpreted liberally to ensure that the**
 2 **obligations of the watershed development commission are paid to**
 3 **the extent legally valid. However, this section does not create a debt**
 4 **of the state.**

5 **Sec. 5. A county shall use money retained under section 3(d)(2)**
 6 **and 3(d)(3) of this chapter for the following purposes:**

7 **(1) To improve flood storage capacity along the rivers in the**
 8 **designated watershed of the watershed development**
 9 **commission.**

10 **(2) For flood damage reduction and drainage projects within**
 11 **the designated watershed of the commission.**

12 **Sec. 6. (a) A watershed development commission shall deposit**
 13 **special assessments received under section 3 of this chapter into a**
 14 **segregated account maintained by the commission. Except as**
 15 **provided in subsection (b), special assessments deposited into the**
 16 **account may not be transferred into other accounts belonging to**
 17 **the commission. Money in the account may be used only for the**
 18 **following purposes:**

19 **(1) To pay expenses directly related to the acquisition,**
 20 **construction, or improvement of real property, a facility, a**
 21 **betterment, or an improvement constituting part of a project**
 22 **of the commission, including acquisition of the site for a**
 23 **project.**

24 **(2) To pay expenses directly related to the operation, repair,**
 25 **and maintenance of flood protection systems within the**
 26 **commission's designated watershed.**

27 **(3) To pay the annual installment and interest on a loan or**
 28 **other financial assistance received by the commission under**
 29 **IC 5-1.2-13.**

30 **(4) To pay:**

31 **(A) the compensation of:**

32 **(i) the executive director of the commission appointed**
 33 **under IC 14-30.5-4-2(f)(1); and**

34 **(ii) the individuals holding any other offices of the**
 35 **commission established under IC 14-30.5-4-2(f)(2); and**

36 **(B) other administrative expenses of the commission.**

37 **(b) A watershed development commission that has:**

38 **(1) obtained easements from landowners; or**

39 **(2) entered into contracts with landowners;**

40 **allowing the use of land for flood storage purposes shall establish**
 41 **an account for reimbursing the landowners for the use of their land**
 42 **for flood storage. The account consists of money transferred from**



1 the segregated account described in subsection (a). A commission
 2 may transfer into the account established under this subsection
 3 amounts that the board of the commission considers appropriate.

4 **Sec. 7. (a)** The counties that are members of a watershed
 5 development commission may budget, appropriate, and disburse
 6 to the commission a sum of money each year to carry out the
 7 purposes of the commission under this article. A sum disbursed to
 8 the commission under this section must be in addition to payments
 9 made to the commission under sections 1 through 3 of this chapter.

10 **(b)** Upon request from a watershed development commission, a
 11 regional planning commission established under IC 36-7-7 or
 12 IC 36-7-7.6 may:

13 **(1)** furnish support staff needed by the watershed
 14 development commission; and

15 **(2)** collect a reasonable charge from the watershed
 16 development commission for the staff furnished.

17 **Sec. 8. (a)** The board of a watershed development commission
 18 shall do the following:

19 **(1)** Prepare and adopt by majority vote an annual budget for
 20 the commission.

21 **(2)** Submit the budget to each county, municipality, or agency
 22 appropriating money for the use of the commission.

23 **(b)** After the board of a watershed development commission
 24 approves an annual budget, the commission may expend money
 25 only as budgeted unless a majority vote of the board of the
 26 commission authorizes the expenditure other than according to the
 27 budget.

28 **(c)** Any appropriated amounts remaining unexpended or
 29 unencumbered at the end of a year become part of a nonreverting
 30 cumulative fund to be held in the name of the watershed
 31 development commission. The board of a commission may
 32 authorize unbudgeted expenditures from this fund by a majority
 33 vote of the board.

34 **(d)** A watershed development commission is responsible for the
 35 safekeeping and deposit of money it receives under this chapter.
 36 The state board of accounts shall:

37 **(1)** prescribe the methods and forms for keeping; and

38 **(2)** periodically audit;

39 the accounts, records, and books of each watershed development
 40 commission.

41 **(e)** The secretary-treasurer of the board of a watershed
 42 development commission may receive, disburse, and handle money



1 belonging to the commission, subject to the following:

2 (1) Applicable statutes.

3 (2) Procedures established by the board of the commission.

4 **Chapter 6. Public Works Projects of a Watershed Development**
5 **Commission**

6 **Sec. 1. (a) For purposes of this section, "undeveloped public**
7 **land" does not include the following:**

8 (1) State parks established under IC 14-19.

9 (2) Nature preserves established under IC 14-31.

10 (3) Other public lands that must be used for purposes other
11 than flood damage reduction storage as a condition of:

12 (A) federal or state law; or

13 (B) funding received from federal, state, or private sources.

14 (b) A watershed development commission shall coordinate its
15 flood damage reduction activities with the department and other
16 public agencies to ensure that undeveloped public land is used for
17 providing flood storage to the greatest extent feasible before other
18 lands are used.

19 **Sec. 2. (a) Before undertaking a flood damage reduction,**
20 **drainage, storm water management, or water infrastructure public**
21 **works project (or, if a watershed development commission has**
22 **water quality purposes under IC 14-30.5-3-1(b), a water quality**
23 **public works project) that:**

24 (1) may be subject to regulation under:

25 (A) IC 14-26-5; or

26 (B) IC 14-28-1; or

27 (2) may require an individual permit under Section 404 of the
28 federal Clean Water Act (33 U.S.C. 1344);

29 a watershed development commission shall request a review of the
30 project through a written notification to the department's division
31 of water (referred to as "the division" in this section). The
32 notification may include a request to schedule an onsite field
33 review of the project.

34 (b) If an onsite field review is requested under subsection (a),
35 the division, not more than fourteen (14) days after receiving the
36 request, shall contact:

37 (1) the county surveyor of each county that is a member of the
38 watershed development commission; and

39 (2) the department of environmental management;

40 to establish a date, time, and location for the onsite field review.

41 (c) An onsite field review requested under subsection (a) shall be
42 conducted by a team consisting of:



- 1 (1) one (1) or more representatives of each county that is a
2 member of the watershed development commission;
3 (2) one (1) or more representatives of the department
4 including an engineer from the division;
5 (3) one (1) or more representatives of the department of
6 environmental management; and
7 (4) representatives of the soil and water conservation district
8 of each county in which the project will be conducted.
9 (d) Not more than thirty (30) calendar days after the completion
10 of an onsite field review under this section, the division shall
11 provide to the county surveyor of each county that is a member of
12 the watershed development commission a written summary of the
13 onsite field review. The summary must contain the following:
14 (1) A narrative and map defining the project location.
15 (2) A description of the work proposed for the project.
16 (3) A statement of:
17 (A) the conditions that the department would place on a
18 permit for the project to mitigate any unreasonable or
19 detrimental effects that may occur as a result of the
20 proposed work;
21 (B) the conditions that the department of environmental
22 management would place on a certification for the project
23 under Section 401 of the federal Clean Water Act (33
24 U.S.C. 1341), if it is possible to ensure compliance with
25 Section 401 by placing conditions on the certification; or
26 (C) both sets of conditions described in clauses (A) and (B).
27 Sec. 3. (a) A watershed development commission may give a
28 preference to an Indiana business that submits a bid under this
29 article in connection with a public works project if both of the
30 following apply:
31 (1) An out-of-state business also submits a bid.
32 (2) The out-of-state business is a business from a state that
33 gives public works preferences unfavorable to Indiana
34 businesses.
35 (b) A watershed development commission shall establish criteria
36 for determining the following:
37 (1) Whether a bidder qualifies as an Indiana business.
38 (2) Whether another state's public works preference is
39 unfavorable to Indiana businesses.
40 (3) The method by which the preference for Indiana
41 businesses is to be computed.
42 (c) The preference that a watershed development commission



1 gives to an Indiana business over an out-of-state business under
2 this section may not be more favorable to the Indiana business than
3 the preference of the state of the out-of-state business is to that
4 state's businesses.

5 Sec. 4. (a) Each contractor entering a bid for a public works
6 project of a watershed development commission must provide the
7 watershed development commission with information on:

8 (1) the number of residents of Indiana who will be employed
9 by the contractor; and

10 (2) the number of residents of Indiana who will be employed
11 by any subcontractor of the contractor.

12 (b) The goal for a contract awarded by a watershed
13 development commission for a public works project is to award the
14 contract to a contractor that:

15 (1) employs residents of Indiana as at least ninety percent
16 (90%) of the employees who work on the contract; and

17 (2) enters into subcontracts only with subcontractors who
18 employ residents of Indiana as at least ninety percent (90%)
19 of the employees who work on the subcontract.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1639, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 21, between lines 5 and 6, begin a new line block indented and insert:

"(4) Set voluntary water quality goals."

Page 21, between lines 15 and 16, begin a new line blocked left and insert:

"However, a water quality purpose, goal, or project does not convey water quality regulatory authority to a watershed development commission."

Page 25, line 23, after "state." insert **"However, an agreement under this subsection does not convey water quality regulatory authority to a watershed development commission."**

and when so amended that said bill do pass.

(Reference is to HB 1639 as introduced.)

LINDAUER

Committee Vote: yeas 13, nays 0.

