



February 9, 2021

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## SENATE BILL No. 329

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DIGEST OF SB 329 (Updated February 4, 2021 1:05 pm - DI 87)

**Citations Affected:** IC 36-9.

**Synopsis:** Flood control district board of commissioners. Provides that the board of commissioners of a flood control district includes: (1) the executive of each town and the executive of each township included in the district (instead of the town executive or the township executive); and (2) one individual appointed by the executive of each town in the district that does not have a works board. Provides that the mayor of the city petitioning for establishment of a flood control district shall cast the vote to break a tie of the board of commissioners.

**Effective:** July 1, 2021.

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## Grooms, Bohacek

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January 11, 2021, read first time and referred to Committee on Local Government.  
February 8, 2021, amended, reported favorably — Do Pass.

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SB 329—LS 6104/DI 139





February 9, 2021

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## SENATE BILL No. 329

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-9-29-8, AS AMENDED BY P.L.127-2017,  
2 SECTION 371, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) If a flood control district is  
4 established under this chapter, the construction of the flood control  
5 works shall be carried out under the control of a flood control board, to  
6 be known as "Board of Commissioners, \_\_\_\_\_ Flood Control  
7 District" (designating the name of the city instituting the proceedings  
8 for the establishment of the district).  
9 (b) The flood control board consists of:  
10 (1) the members of the works board of the city petitioning for the  
11 establishment of the flood control district; ~~and~~  
12 (2) the executive of each town ~~or township~~ included in whole or  
13 in part in the district;  
14 **(3) the executive of each township included in whole or in part**  
15 **in the district; and**  
16 **(4) one (1) individual appointed by the executive of each town**  
17 **included in whole or in part in the flood control district if the**

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- 1           **town does not have a works board.**
- 2           (c) Before entering upon the commissioner's duties, each
- 3 commissioner of the flood control board shall take and subscribe the
- 4 usual oath of office, and shall file it with the clerk of the circuit court.
- 5           (d) If any commissioner of the flood control board fails or refuses
- 6 to qualify, or after qualifying fails or refuses to take part in the
- 7 proceedings of the board, then the board, by a majority vote, may
- 8 petition the circuit court for the appointment of a new commissioner.
- 9 After a hearing and a showing of cause, the court may remove the
- 10 offending commissioner. If the court removes a commissioner, the
- 11 executive of the city shall appoint a new commissioner. The new
- 12 commissioner must be a freeholder residing in the part of the district
- 13 previously represented by the commissioner removed.
- 14           (e) Each commissioner of a flood control board is entitled to a salary
- 15 fixed by the board, subject to the approval of the legislative body of the
- 16 city petitioning for the establishment of the flood control district.
- 17           (f) Within ten (10) days after the entry of the decree establishing the
- 18 flood control district, the commissioners of the flood control board
- 19 shall meet at the office of the works board of the city petitioning for the
- 20 establishment of the district, and shall organize by electing one (1) of
- 21 their number president and one (1) vice president. These officers shall
- 22 perform the duties usually pertaining to their offices, and shall serve for
- 23 a period of one (1) year or until their successors are elected and
- 24 qualified. The board shall also appoint a secretary pro tempore to keep
- 25 the records of the proceedings until the board appoints a permanent
- 26 secretary. The minutes of the board shall be kept in a permanent minute
- 27 book, and the first entry in the book must be a copy of the decree
- 28 establishing the district and fixing its boundaries.
- 29           (g) A majority of the commissioners of the flood control board
- 30 constitutes a quorum for the transaction of any business. If the board
- 31 consists of an even number of commissioners and there is a tie vote on
- 32 any question, ~~the vote of the president on the question is controlling-~~
- 33 **the executive of the city petitioning for the establishment of the**
- 34 **flood control district shall cast the vote to break the tie.**
- 35           (h) The flood control board may:
- 36           (1) sue and be sued;
- 37           (2) exercise the power of eminent domain;
- 38           (3) adopt rules governing the holding of regular meetings, the
- 39 calling of special meetings, methods of procedure, and similar
- 40 matters; and
- 41           (4) perform all acts necessary and proper for carrying out the
- 42 purposes of the flood control district.



1           (i) The office of the flood control board shall be maintained at the  
2 office of the works board of the city petitioning for the establishment  
3 of the district, or at another place furnished by the city. All records of  
4 the board shall be kept at the office and are public records, open to  
5 inspection by the public during business hours.

6           (j) A commissioner, appointee, or employee of the flood control  
7 board may not have any direct or indirect interest in any contract let by  
8 the board, or in the furnishing of supplies or materials to the board.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, strike "or township".

Page 1, line 13, delete "and".

Page 1, between lines 13 and 14, begin a new line block indented and insert:

**"(3) the executive of each township included in whole or in part in the district; and".**

Page 1, line 14, delete "(3) two (2) individuals" and insert "**(4) one (1) individual**".

Page 2, line 30, strike "the vote of the president on the question is controlling." and insert "**the executive of the city petitioning for the establishment of the flood control district shall cast the vote to break the tie.**".

and when so amended that said bill do pass.

(Reference is to SB 329 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0.

