



March 18, 2021

---

---

## ENGROSSED SENATE BILL No. 329

---

DIGEST OF SB 329 (Updated March 17, 2021 12:23 pm - DI 133)

**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 each commissioner of the flood control board, not holding other lucrative elective or appointive office, is entitled to a salary fixed by the board. Provides that the executive of the city petitioning for the establishment of the flood control district shall be the determining vote in the event of a tie.

**Effective:** September 1, 2021.

---

---

### Grooms, Bohacek, Rogers

(HOUSE SPONSORS — ENGLEMAN, ELLINGTON, LAUER, THOMPSON)

---

---

January 11, 2021, read first time and referred to Committee on Local Government.  
February 8, 2021, amended, reported favorably — Do Pass.  
February 11, 2021, read second time, amended, ordered engrossed.  
February 12, 2021, engrossed.  
February 15, 2021, re-engrossed. Read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Local Government.  
March 18, 2021, reported — Do Pass.

---

---

ES 329—LS 6104/DI 139





March 18, 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.

## ENGROSSED 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 SEPTEMBER 1, 2021]: Sec. 8. (a) If a flood control  
4 district is established under this chapter, the construction of the flood  
5 control works shall be carried out under the control of a flood control  
6 board, to be known as "Board of Commissioners, \_\_\_\_\_ Flood  
7 Control District" (designating the name of the city instituting the  
8 proceedings 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**

ES 329—LS 6104/DI 139



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 **not holding**  
15 **another lucrative elective or appointive office** is entitled to a salary  
16 fixed by the board, subject to the approval of the legislative body of the  
17 city petitioning for the establishment of the flood control district.

18           (f) Within ten (10) days after the entry of the decree establishing the  
19 flood control district, the commissioners of the flood control board  
20 shall meet at the office of the works board of the city petitioning for the  
21 establishment of the district, and shall organize by electing one (1) of  
22 their number president and one (1) vice president. These officers shall  
23 perform the duties usually pertaining to their offices, and shall serve for  
24 a period of one (1) year or until their successors are elected and  
25 qualified. The board shall also appoint a secretary pro tempore to keep  
26 the records of the proceedings until the board appoints a permanent  
27 secretary. The minutes of the board shall be kept in a permanent minute  
28 book, and the first entry in the book must be a copy of the decree  
29 establishing the district and fixing its boundaries.

30           (g) A majority of the commissioners of the flood control board  
31 constitutes a quorum for the transaction of any business. If the board  
32 consists of an even number of commissioners and there is a tie vote on  
33 any question, ~~the vote of the president on the question is controlling.~~  
34 **the executive of the city petitioning for the establishment of the**  
35 **flood control district shall be the determining vote in the event of**  
36 **the tie.**

37           (h) The flood control board may:

- 38           (1) sue and be sued;  
39           (2) exercise the power of eminent domain;  
40           (3) adopt rules governing the holding of regular meetings, the  
41 calling of special meetings, methods of procedure, and similar  
42 matters; and



- 1           (4) perform all acts necessary and proper for carrying out the
- 2           purposes of the flood control district.
- 3           (i) The office of the flood control board shall be maintained at the
- 4           office of the works board of the city petitioning for the establishment
- 5           of the district, or at another place furnished by the city. All records of
- 6           the board shall be kept at the office and are public records, open to
- 7           inspection by the public during business hours.
- 8           (j) A commissioner, appointee, or employee of the flood control
- 9           board may not have any direct or indirect interest in any contract let by
- 10          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.

---

 SENATE MOTION

Madam President: I move that Senate Bill 329 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE SEPTEMBER 1, 2021]".

Page 2, line 14, after "flood control board" insert "**not holding another lucrative elective or appointive office**".

Page 2, line 34, delete "shall cast the vote to break the tie." and insert "**shall be the determining vote in the event of the tie.**".

(Reference is to SB 329 as printed February 9, 2021.)

GROOMS

ES 329—LS 6104/DI 139



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 329 as printed Digest Correction as reprinted February 12, 2021.)

ZENT

Committee Vote: Yeas 11, Nays 0

