**Watershed Development COMMISSIONS**

**&**

**existing river Basin** **Commissions**

**(As modified and added by PL 251 – 2023)**

**IC 14-30.5ARTICLE 30.5.**

**WATERSHED DEVELOPMENT COMMISSIONS**

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**IC 14-30.5-1**

**Chapter 1. Definitions**

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**IC 14-30.5-1-1 Definitions for the article**

     Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-2"Commission"**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-3"Designated watershed"**

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

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

(2) after which a watershed development commission is named under [IC 14-30.5-2-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-3)(c).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-4"Executive"**

     Sec. 4. "Executive" refers to the following:

(1) Except as provided in subdivision (2), in a county subject to [IC 36-2-2](https://iga.in.gov/laws/2023/ic/titles/14#36-2-2), the county board of commissioners (as described in [IC 36-2-2-2](https://iga.in.gov/laws/2023/ic/titles/14#36-2-2-2)).

(2) In a county subject to [IC 36-2-3.5](https://iga.in.gov/laws/2023/ic/titles/14#36-2-3.5), the county council (as described in [IC 36-2-3.5-3](https://iga.in.gov/laws/2023/ic/titles/14#36-2-3.5-3)).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-5"Indiana business"**

     Sec. 5. "Indiana business" has the meaning set forth in [IC 5-22-15-20.5](https://iga.in.gov/laws/2023/ic/titles/14#5-22-15-20.5).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-6"Out-of-state business"**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-7"Resident of Indiana"**

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

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

(2) who:

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

(B) is registered to vote in Indiana;

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

(D) except as provided in subsection (b), derives more than one-half (1/2) of the individual's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in [IC 6-3-2-2](https://iga.in.gov/laws/2023/ic/titles/14#6-3-2-2).

(b) An individual who meets the condition set forth in subsection (a)(2)(D) is not a resident of Indiana if a preponderance of the evidence concerning the conditions set forth in subsection (a)(2)(A) through (a)(2)(C) proves that the individual is not a resident of Indiana.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-8"Surface water outlet"**

     Sec. 8. "Surface water outlet" means the river, stream, lake, impoundment, or other body of water into which the water in a watershed naturally drains.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-9"Taxable parcel"**

     Sec. 9. "Taxable parcel" means a parcel of real property that is not exempt from property taxation under [IC 6-1.1-10](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-10).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-10"Watershed"**

     Sec. 10. "Watershed" means the area of land from which water naturally drains into a particular surface water outlet.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-1-11"Water infrastructure" excludes drinking water project**

     Sec. 11. A reference in this article to "water infrastructure" or "water infrastructure purposes" excludes any drinking water project in a county, city, or town that is located inside or outside of a commission's designated watershed, unless the context clearly requires otherwise.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2**

**Chapter 2. Establishing or Joining a Watershed Development Commission**

[14-30.5-2-0.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-0.5) Prohibition against creating watershed development commission if its boundary would overlap boundary of river basin commission

[14-30.5-2-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-1) County ordinance designating county as a member of a proposed watershed development commission

[14-30.5-2-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-2) Natural resources commission decision whether to recognize proposed watershed development commission

[14-30.5-2-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-3) Watershed development commission established; member county entitled to representation on board; named after surface water outlet

[14-30.5-2-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-4) Ordinance proposing county for membership in existing watershed development commission; at least 10% of designated watershed within county

[14-30.5-2-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-5) Ordinance proposing county for membership in existing watershed development commission; less than 10% of designated watershed within county

[14-30.5-2-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-6) Requirements for a county's admission to membership in an existing watershed development commission

[14-30.5-2-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-7) County admitted to membership in existing watershed development commission; representation on board

**IC 14-30.5-2-0.5 Prohibition against creating watershed development commission if its boundary would overlap boundary of river basin commission**

     Sec. 0.5. (a) Notwithstanding subsection (b), this chapter does not authorize the creation of a watershed development commission if the area in which the watershed development commission could exercise the powers conferred by this article would include any part of the area in which a river basin commission established under:

(1) [IC 14-30-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2);

(2) [IC 14-30-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3); or

(3) [IC 14-30-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4);

is authorized to exercise its powers.

(b) This section does not prohibit:

(1) the transformation of the Maumee River basin commission into a watershed development commission under [IC 14-30-2-25](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-25);

(2) the transformation of the St. Joseph River basin commission into a watershed development commission under 14-30-3-33; or

(3) the transformation of the upper Wabash River basin commission into a watershed development commission under [IC 14-30-4-20](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-20);

on the grounds that the watershed development commission resulting from the transformation would be authorized to exercise its powers in all or any part of the area in which the transformed river basin commission was authorized to exercise its powers before the transformation.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-1 County ordinance designating county as a member of a proposed watershed development commission**

     Sec. 1. (a) The executive of a county may adopt an ordinance designating the county as a member of a proposed watershed development commission if at least ten percent (10%) of the surface of the designated watershed, as identified in the ordinance under subsection (b)(1), lies within the boundaries of the county.

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

(1) Identify the designated watershed within which the proposed commission would exercise its powers by:

(A) identifying the surface water outlet of the designated watershed; and

(B) setting forth the geographic boundaries of the entire area, both inside and outside the county, from which water drains into the surface water outlet.

(2) Specify the area or areas of the county that are inside the geographic boundaries of the designated watershed, as identified under subdivision (1).

(3) Set forth the flood damage reduction, drainage, storm water management, recreation, or water infrastructure purposes for which the proposed commission would be established.

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

(c) A county executive that adopts an ordinance under this section designating a county as a member of a proposed 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 proposed commission under section 2 of this chapter.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-2 Natural resources commission decision whether to recognize proposed watershed development commission**

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

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

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

(A) identifying the designated watershed; and

(B) stating the purposes of the proposed commission; and

(2) if the natural resources commission determines that the requirement set forth in subdivision (1) is met, the natural resources commission shall decide under subsections (c) through (e) whether to recognize the proposed commission.

(c) Before making a decision whether to recognize a proposed commission under this section, the natural resources commission shall hold at least one (1) public hearing concerning the proposed commission in each county whose executive submitted an ordinance and a written request for recognition of the proposed commission under section 1(c) of this chapter. 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;

on whether the proposed commission should be established. 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.

(d) The natural resources commission shall give notice of a 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](https://iga.in.gov/laws/2023/ic/titles/14#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, recreation, 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, recreation, 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, recreation, or water infrastructure needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?

(5) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(6) Has a regional watershed study or watershed management plan been conducted in consultation with the Indiana finance authority and the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, recreational uses, natural resources, and water infrastructure needs of the watershed of the proposed commission?

If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

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

(g) If:

(1) executives of two (2) or more counties submit ordinances and requests for recognition of a proposed watershed development 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 with respect to at least one (1) of the counties; the natural resources commission shall issue an order recognizing the watershed development commission and recognizing as a member of the watershed development commission each county with respect to which the natural resources commission answered all of the questions set forth in subsection (e) favorably.

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

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

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

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

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

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

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-3 Watershed development commission established; member county entitled to representation on board; named after surface water outlet**

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

(1) the commission is established as a public body corporate and politic; and

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

(b) A county recognized as a member of a commission under section 2(f) or 2(g) of this chapter is entitled to representation on the board of the commission under [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1).

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-4 Ordinance proposing county for membership in existing watershed development commission; at least 10% of designated watershed within county**

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

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

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

(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, recreation, 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 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.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-5 Ordinance proposing county for membership in existing watershed development commission; less than 10% of designated watershed within county**

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

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

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

(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, recreation, 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.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-6 Requirements for a county's admission to membership in an existing watershed development commission**

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

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

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

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

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

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

(4) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(5) Has a regional watershed study or watershed management plan been conducted in consultation with Indiana finance authority and the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, recreational uses, natural resources, and water infrastructure needs of the watershed of the proposed commission? If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

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

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

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-2-7 County admitted to membership in existing watershed development commission; representation on board**

     Sec. 7. (a) If:

(1) the executives of all of the counties that are members of an existing watershed development commission adopt ordinances under section 6(a)(1) of this chapter accepting a county to which section 4 or 5 of this chapter applies as a member county of the existing commission; and

(2) the natural resources commission recognizes the county as a member of the watershed development commission under section 6(e) of this chapter;

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

(b) If a county to which section 4 of this chapter applies becomes a member of an existing commission under this section, the county is entitled to representation on the board of the existing commission under [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1).

(c) If a county to which section 5 of this chapter applies becomes a member of an existing commission under this section, the county is not entitled to representation on the board of the existing commission under [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1) unless:

(1) the natural resources commission, in the order issued under section 6(e) of this chapter recognizing the county as a member of the existing watershed development commission, recommends that the county be granted representation on the board of the existing commission; and

(2) the executives of all of the counties that are members of the existing commission adopt ordinances granting the county representation on the board of the commission.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3**

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

[14-30.5-3-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-1)Potential purposes for establishment of watershed development commission

[14-30.5-3-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-2)Watershed development commission projects constitute performance of essential governmental functions

[14-30.5-3-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-3)Activities limited to designated watershed

[14-30.5-3-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-4)Flood damage reduction and drainage; plan and activities; potential coordination with another governmental entity

[14-30.5-3-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-5)Studies, reports, and recommendations; coordination of programs and activities

[14-30.5-3-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-6)Grants and appropriations

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[14-30.5-3-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-9)Agreements with agencies in other states

**IC 14-30.5-3-1 Potential purposes for establishment of watershed development commission**

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

(1) Planning, taking, and promoting action to prevent or mitigate flooding through generally accepted structural and nonstructural means, including the following:

(A) Bank stabilization.

(B) Expansion of water storage capacity.

(C) Erosion control.

(D) Sediment reduction.

(E) Logjam management.

(F) Selective construction, maintenance, and removal of berms.

(G) Construction of levees.

(H) Bridge and structure removal and replacement.

(2) Taking and promoting action to enhance drainage in ways consistent with storm water management requirements.

(3) Taking and promoting action to address water infrastructure needs related to flood damage reduction, storm water management, recreation, and drainage.

(4) Setting voluntary water quality goals.

(b) Subject to subsection (c), the purposes for which a watershed development commission may be established, in addition to those set forth in subsection (a), may include one (1) or more purposes related to water quality within the boundaries of the designated watershed, such as:

(1) reducing the runoff of nutrients and soil into streams and bodies of water by promoting the use of improved ditch design and the reestablishment of strategically located wetlands; and

(2) reducing ground water contamination by promoting the use of improved septic system technology.

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

(c) A watershed development commission may not have a purpose described in subsection (b) unless:

(1) the board of the commission, in addition to developing a flood damage reduction and drainage plan under section 4 of this chapter, develops a water quality improvement plan that:

(A) describes water quality problems within the boundaries of the designated watershed; and

(B) proposes one (1) or more actions that the watershed development commission could take to address those problems;

(2) the board of the watershed development commission submits the water quality improvement plan to the natural resources commission; and

(3) the natural resources commission, after:

(A) determining whether the water quality problems described in the water quality improvement plan truly exist within the boundaries of the watershed development commission's designated watershed; and

(B) considering whether it is likely that the efforts of the watershed development commission would be a practically effective and cost effective means of addressing the water quality problems;

approves the commission's water quality improvement plan.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-2 Watershed development commission projects constitute performance of essential governmental functions**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-3 Activities limited to designated watershed**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-4 Flood damage reduction and drainage; plan and activities; potential coordination with another governmental entity**

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

(b) A watershed development commission:

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

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

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

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

(2) may participate in the flood control program established under [IC 5-1.2-13](https://iga.in.gov/laws/2023/ic/titles/14#5-1.2-13); and

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

(A) providing flood storage; and

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

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

(1) Bank stabilization.

(2) Tree removal.

(3) Construction and operation of sand traps.

(4) Channel reconstruction.

(5) Sediment removal.

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

(7) Other actions that the board of the watershed development commission reasonably considers necessary to carry out this chapter.

(d) Subject to subsection (f), a county must obtain the authorization of the board of the watershed development commission before performing any:

(1) construction work; or

(2) drainage or flood damage reduction activities;

within the area described in subsection (b)(1) unless the work must be performed in response to an emergency.

(e) Subsection (f) applies if a governmental entity other than the watershed development commission has authority:

(1) to perform one (1) or more activities set forth in subsection (c) within any part of the watershed development commission's designated watershed; and

(2) to collect a tax or an assessment or to impose another duty of financial contribution upon the owners of property located in any part of the watershed development commission's designated watershed.

(f) The board of a watershed development commission may enter into an interlocal cooperation agreement under [IC 36-1-7](https://iga.in.gov/laws/2023/ic/titles/14#36-1-7) with a governmental entity described in subsection (e):

(1) under which:

(A) the watershed development commission will perform, and the other governmental entity will relinquish its authority to perform, the activity or activities set forth in subsection (c) within the watershed development commission's designated watershed; and

(B) the governmental entity will cease collecting the tax or assessment or imposing the other duty of financial contribution described in subsection (e)(2) for performing the activity or activities set forth in subsection (c) within the watershed development commission's designated watershed; or

(2) under which:

(A) the governmental entity will continue to perform, and the watershed development commission will relinquish its authority to perform, the activity or activities set forth in subsection (c) within the part of the watershed development commission's designated watershed in which the governmental entity performs those activities;

(B) the governmental entity will continue collecting the tax or assessment or imposing the other duty of financial contribution described in subsection (e)(2) in the part of the watershed development commission's designated watershed in which the governmental entity performs the activity or activities set forth in subsection (c); and

(C) the watershed development commission will:

(i) relinquish its authority to receive; or

(ii) appropriately reduce;

the annual special assessments or support by optional methods to which the watershed development commission is otherwise entitled under [IC 14-30.5-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5) with respect to taxable parcels of real property located in the part of the watershed development commission's designated watershed in which the governmental entity performs the activity or activities set forth in subsection (c).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-5 Studies, reports, and recommendations; coordination of programs and activities**

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

(1) Conduct all studies necessary for the performance of the board's duties.

(2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.

(3) Provide recommendations in matters related to the commission's functions and objectives to:

(A) a political subdivision located in the designated watershed; or

(B) any public or private agency;

upon request from the political subdivision or agency.

(4) Upon request, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-6 Grants and appropriations**

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

(1) Federal, state, and local governments.

(2) Individuals, foundations, and other organizations.

(b) A watershed development commission may enter into agreements or contracts regarding the acceptance or use of grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

(c) A watershed development commission must expend money appropriated to the commission for the purpose for which the money is appropriated.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-7 Powers concerning real or personal property; development of water resources**

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

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

(2) hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property or any interest in that property;

for the purposes set forth in this chapter.

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-8 Capacity to sue and be sued**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-3-9 Agreements with agencies in other states**

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

(1) the affected regional planning commission established under [IC 36-7-7](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7) or [IC 36-7-7.6](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7.6); and

(2) the department;

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

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

(1) the affected regional planning commission established under [IC 36-7-7](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7) or [IC 36-7-7.6](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7.6); and

(2) the department;

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4**

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

[14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1)Members of the board of a watershed development commission

[14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)Officers of a watershed development commission; executive director

[14-30.5-4-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-3)Meetings of the board of a watershed development commission

[14-30.5-4-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-4)Salary per diem of board members

[14-30.5-4-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-5)Advisory committee; members; exception for St. Joseph River basin commission if transformed

[14-30.5-4-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-6)Ad hoc advisory committees

[14-30.5-4-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-7)Advisory committee members serve without compensation

**IC 14-30.5-4-1 Members of the board of a watershed development commission**

     Sec. 1. (a) The board of a watershed development commission consists of the following individuals:

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

(2) The county surveyor of each county that:

(A) is a member of the commission; and

(B) is entitled to membership on the board.

(3) An individual other than the county surveyor representing each county that:

(A) is a member of the commission; and

(B) is entitled to membership on the board;

appointed by the county executive.

(4) Either:

(A) one (1) individual appointed to represent each second class city that is located in a participating county and within the designated watershed of the watershed development commission; or

(B) if a participating county does not include a second class city that is located within the designated watershed of the watershed development commission, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the designated watershed of the watershed development commission.

An individual appointed to represent a second class city under clause (A) shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city.

An individual appointed under clause (B) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the designated watershed of the watershed development commission shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

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

(b) The executive of a county described in subsection (a)(3) shall appoint the individual to represent the county on the board of the commission under subsection (a)(3). However, if the position of an individual appointed under subsection (a)(3) becomes vacant, the county surveyor of the county shall represent the county on the board under subsection (a)(3) until a new appointment is made by the county executive under subsection (a)(3).

(c) An individual appointed to represent a county on the board of a watershed development commission under subsection (a)(3):

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

(2) must reside in the county.

(d) The term of office of an individual appointed under subsection (a)(3):

(1) is four (4) years; and

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

(e) An individual appointed under subsection (a)(2) is eligible for reappointment.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-2 Officers of a watershed development commission; executive director**

     Sec. 2. (a) The voting members of the board of a watershed development commission shall elect the following officers:

(1) A chair.

(2) A vice chair.

(3) A secretary-treasurer.

(b) When one (1) or more additional counties that are entitled to representation on the board of a watershed development commission under [IC 14-30.5-2-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-7)(b) or [IC 14-30.5-2-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-7)(c) become members of the commission, the offices referred to in subsection (a) become vacant and the members of the board shall elect new officers under subsection (a).

(c) The term of an individual elected to an office under subsection (a) may not exceed one (1) year, but the individual is eligible for reelection.

(d) An individual elected to an office under subsection (a) shall perform the duties usually pertaining to the office.

(e) The board of a watershed development commission:

(1) shall appoint an executive director; and

(2) may establish and fill other offices the board considers necessary.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-3 Meetings of the board of a watershed development commission**

     Sec. 3. (a) The board of a watershed development commission shall meet:

(1) at least four (4) times per calendar year; and

(2) on the call of either of the following:

(A) The chair.

(B) A quorum of the members of the board.

(b) A majority of the voting members of a board constitutes a quorum.

(c) The affirmative votes of a majority of the voting members of a board are required for the board to take action.

(d) A board may adopt rules for the transaction of business.

(e) A board shall keep a record of its findings, resolutions, and transactions. The record kept under this subsection is a public record open to inspection and copying under [IC 5-14-3](https://iga.in.gov/laws/2023/ic/titles/14#5-14-3).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-4 Salary per diem of board members**

     Sec. 4. A member of the board of a watershed development commission is not entitled to receive any compensation for performance of the member's duties except that a member is entitled to a minimum salary per diem from the watershed development commission for the member's participation in board meetings. The amount of the per diem is equal to the amount of the per diem provided under [IC 4-10-11-2.1](https://iga.in.gov/laws/2023/ic/titles/14#4-10-11-2.1)(b).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-5 Advisory committee; members; exception for St. Joseph River basin commission if transformed**

     Sec. 5. (a) There is established for each watershed development commission an advisory committee to provide counsel to the board of the commission.

(b) Except as provided in subsection (c), a watershed development commission advisory committee established under this section consists of a member or representative of the board of supervisors of the soil and water conservation district of each county that is a member of the commission, selected by the board of supervisors.

(c) If the St. Joseph watershed development commission is established under [IC 14-30-3-33](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-33):

(1) the individuals serving as members of the St. Joseph River basin commission under [IC 14-30-3-8](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-8) become members of the advisory committee of the St. Joseph watershed development commission;

(2) the term of office of an individual who becomes a member of the advisory committee of the St. Joseph watershed development commission under subdivision (1) is as provided in [IC 14-30-3-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-9); and

(3) upon:

(A) the expiration under [IC 14-30-3-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-9); or

(B) the termination under any other circumstances;

of the term of office of an individual described in subdivision (1), the office of the individual shall be filled by a successor according to [IC 14-30-3-33](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-33)(i)(4).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-6A d hoc advisory committees**

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

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-4-7 Advisory committee members serve without compensation**

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5**

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

[14-30.5-5-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-1)Annual special assessments imposed within designated watershed; maximum amounts or lower amounts; alternative methods of financial support

[14-30.5-5-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-2)Public informational meetings about uses of revenue

[14-30.5-5-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-3)Special assessment collection procedures

[14-30.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-4)Procedure if county fails to pay special assessments or direct support

[14-30.5-5-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-5)Uses of money retained by county

[14-30.5-5-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-6)Special assessments to be deposited into a segregated account; uses; reimbursement of owner of land used for flood storage

[14-30.5-5-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-7)Potential additional disbursements from member communities; regional planning commission support

[14-30.5-5-8](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-5-8)Watershed development commission annual budget; board approval; submitted to local governmental entities; nonreverting cumulative fund

**IC 14-30.5-5-1 Annual special assessments imposed within designated watershed; maximum amounts or lower amounts; alternative methods of financial support**

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

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

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

(b) Except as provided in subsections (c) and (d), a watershed development commission may impose in the designated watershed in each calendar year an annual special assessment against each taxable parcel of real property that is located in the county and within any part of the commission's designated watershed, as follows:

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

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

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

(B) the number of acres in the parcel.

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

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

(B) the number of acres in the parcel.

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

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

(c) The amounts of the special assessment set forth in subsection (b) are maximum amounts. The annual special assessment that may be imposed in a calendar year against each taxable parcel of real property that is located in the county and within the watershed development commission's designated watershed may be set by the board of the watershed development commission at amounts lower than those set forth in subsection (b).

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

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

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

(2) The county may:

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

(B) consider the factors listed in [IC 36-9-27-112](https://iga.in.gov/laws/2023/ic/titles/14#36-9-27-112)(a) in preparing the allocation of special assessments under clause (A) to be imposed on each property within a class of property to which subsection (b)(1) through (b)(5) would otherwise apply, and use any methods authorized by [IC 36-9-27-112](https://iga.in.gov/laws/2023/ic/titles/14#36-9-27-112)(b) to make determinations related to those factors; and

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

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

(3) The county may impose a schedule of special assessments under which:

(A) a special assessment for one (1) or more of the classes of property described in subsection (b)(1) through (b)(5) is greater than the special assessment that would otherwise apply to the class or classes of property under subsection (b) or (c);

(B) the county may consider the factors listed in [IC 36-9-27-112](https://iga.in.gov/laws/2023/ic/titles/14#36-9-27-112)(a) in preparing the allocation of special assessments under clause (A) to be imposed on each property within a class of property to which subsection (b)(1) through (b)(5) would otherwise apply, and use any methods authorized by [IC 36-9-27-112](https://iga.in.gov/laws/2023/ic/titles/14#36-9-27-112)(b) to make determinations related to those factors; and

(C) the total amount of revenue in the calendar year from the special assessment imposed under clause (A) is greater than the total amount of revenue that would otherwise be produced by the annual special assessment against taxable parcels of real property in the county under subsection (b) or (c).

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-2 Public informational meetings about uses of revenue**

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

(1) the nature and details of the special assessment imposed under section 1(b) or 1(c) of this chapter or the support provided under section 1(d) of this chapter; and

(2) a description of:

(A) the flood damage reduction projects;

(B) the administrative needs; and

(C) if the watershed district has water quality purposes under [IC 14-30.5-3-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-1)(b), the water quality projects and actions;

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

(b) A majority of the members of the board of the watershed development commission, including the executive director of the board and the member or members of the board who were appointed from the county in which the meeting is being held, must be present for a meeting held under subsection (a).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-3 Special assessment collection procedures**

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

(1) Add the amount of the special assessment.

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

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

(b) A special assessment imposed under section 1(b), 1(c), 1(d)(2), or 1(d)(3) of this chapter shall be collected in the same manner as other special assessments are collected under [IC 6-1.1](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1). However, a delinquent special assessment is not subject to enforcement under [IC 6-1.1-24](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-24) and [IC 6-1.1-25](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-25). The following apply to the enforcement of a special assessment:

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

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

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

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

(d) The county auditor shall do the following:

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

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

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

(B) Pay the remainder of the special assessments collected under this section to the watershed development commission for deposit under section 6 of this chapter.

(3) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 1(d)(3) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected under this section the following amounts for the county's use under section 5 of this chapter:

(i) The total amount of the special assessments imposed under section 1(d)(3) of this chapter that exceeds the amount that would otherwise be due in the annual special assessment against taxable parcels of real property in the county under section 1(b) or 1(c) of this chapter.

(ii) An amount equal to ten percent (10%) of the amount that would otherwise be due in the annual special assessment against taxable parcels of real property in the county under section 1(b) or 1(c) of this chapter.

(B) Pay the remainder of the special assessments collected under this section to the watershed development commission for deposit under section 6 of this chapter.

(e) The county auditor shall make the payments to the watershed development commission required by subsection (d) on the dates of the June and December settlement and apportionment of property taxes collected under [IC 6-1.1](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-4 Procedure if county fails to pay special assessments or direct support**

     Sec. 4. (a) If:

(1) a county fails to pay direct support or special assessments to the watershed development commission when due under section 1(e) or 3(e) of this chapter; and

(2) more than thirty (30) days have elapsed since the due date;

the watershed development commission shall notify the auditor of state of the county's failure to pay and the amount due from the county. The commission may request that the auditor of state pay the amount due from local income taxes otherwise distributable to the county under [IC 6-3.6](https://iga.in.gov/laws/2023/ic/titles/14#6-3.6). The auditor of state shall immediately contact the county auditor and the commission to confirm whether the county is unable to make the required payment. Upon confirming the county's inability to make the payment, the auditor of state shall deduct the amount due from the next distribution of local income taxes allocated to the county under [IC 6-3.6](https://iga.in.gov/laws/2023/ic/titles/14#6-3.6).

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-5 Uses of money retained by county**

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

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

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

However, money may not be used for highway bridge repairs or reconstruction.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-6 Special assessments to be deposited into a segregated account; uses; reimbursement of owner of land used for flood storage**

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

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

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

(3) To pay the annual installment and interest on a loan or other financial assistance received by the commission under [IC 5-1.2-13](https://iga.in.gov/laws/2023/ic/titles/14#5-1.2-13).

(4) To pay:

(A) the compensation of:

(i) the executive director of the commission appointed under [IC 14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)(e)(1); and

(ii) the individuals holding any other offices of the commission established under [IC 14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)(e)(2); and

(B) other administrative expenses of the commission.

Money in the account may not be used for highway bridge repairs or reconstruction.

(b) A watershed development commission that has:

(1) obtained easements from landowners; or

(2) entered into contracts with landowners;

allowing the use of land for flood storage purposes shall establish an account for reimbursing the landowners for the use of their land for flood storage. The account consists of money transferred from the segregated account described in subsection (a). A commission may transfer into the account established under this subsection amounts that the board of the commission considers appropriate.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-7 Potential additional disbursements from member communities; regional planning commission support**

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

(b) Upon request from a watershed development commission, a regional planning commission established under [IC 36-7-7](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7) or [IC 36-7-7.6](https://iga.in.gov/laws/2023/ic/titles/14#36-7-7.6) may:

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

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-5-8 Watershed development commission annual budget; board approval; submitted to local governmental entities; nonreverting cumulative fund**

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

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

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

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

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

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

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

(2) periodically audit;

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

(e) The secretary-treasurer of the board of a watershed development commission may receive, disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-6**

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

[14-30.5-6-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-6-1)Use of undeveloped public land for flood storage

[14-30.5-6-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-6-2)Review of proposed public works project by division of water

[14-30.5-6-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-6-3)Preference for Indiana business in public works projects

[14-30.5-6-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-6-4)Information to be provided by bidder; Indiana employee and subcontractor goal

**IC 14-30.5-6-1 Use of undeveloped public land for flood storage**

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

(1) State parks established under [IC 14-19](https://iga.in.gov/laws/2023/ic/titles/14#14-19).

(2) Nature preserves established under [IC 14-31](https://iga.in.gov/laws/2023/ic/titles/14#14-31).

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

(A) federal or state law; or

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

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

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-6-2 Review of proposed public works project by division of water**

     Sec. 2. (a) Before undertaking a flood damage reduction, drainage, storm water management, recreation, or water infrastructure public works project (or, if a watershed development commission has water quality purposes under [IC 14-30.5-3-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-3-1)(b), a water quality public works project) that:

(1) may be subject to regulation under:

(A) [IC 14-26-5](https://iga.in.gov/laws/2023/ic/titles/14#14-26-5); or

(B) [IC 14-28-1](https://iga.in.gov/laws/2023/ic/titles/14#14-28-1); or

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

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

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

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

(2) the department of environmental management;

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

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

(1) one (1) or more representatives of each county that is a member of the watershed development commission;

(2) one (1) or more representatives of the department including an engineer from the division;

(3) one (1) or more representatives of the department of environmental management; and

(4) representatives of the soil and water conservation district of each county in which the project will be conducted.

(d) Not more than thirty (30) calendar days after the completion of an onsite field review under this section, the division shall provide to the county surveyor of each county that is a member of the watershed development commission a written summary of the onsite field review. The summary must contain the following:

(1) A narrative and map defining the project location.

(2) A description of the work proposed for the project.

(3) A statement of:

(A) the conditions that the department would place on a permit for the project to mitigate any unreasonable or detrimental effects that may occur as a result of the proposed work;

(B) the conditions that the department of environmental management would place on a certification for the project under Section 401 of the federal Clean Water Act (33 U.S.C. 1341), if it is possible to ensure compliance with Section 401 by placing conditions on the certification; or

(C) both sets of conditions described in clauses (A) and (B).

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-6-3 Preference for Indiana business in public works projects**

     Sec. 3. (a) A watershed development commission may give a preference to an Indiana business that submits a bid under this article in connection with a public works project if both of the following apply:

(1) An out-of-state business also submits a bid.

(2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

(b) A watershed development commission shall establish criteria for determining the following:

(1) Whether a bidder qualifies as an Indiana business.

(2) Whether another state's public works preference is unfavorable to Indiana businesses.

(3) The method by which the preference for Indiana businesses is to be computed.

(c) The preference that a watershed development commission gives to an Indiana business over an out-of-state business under this section may not be more favorable to the Indiana business than the preference of the state of the out-of-state business is to that state's businesses.

*As added by P.L.251-2023, SEC.13.*

**IC 14-30.5-6-4 Information to be provided by bidder; Indiana employee and subcontractor goal**

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

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

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

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

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

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

*As added by P.L.251-2023, SEC.13.*

**existing river Basin Commissions**

**(As modified and added by PL 251 – 2023)**

**IC 14-13-9Chapter 9. Kankakee River Basin and Yellow River Basin Development Commission**

         [14-13-9-0.5](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-0.5)Transitional provisions; initial appointments to commission; expiration

[14-13-9-1](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-1)"Basin"

[14-13-9-2](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-2)"Commission"

[14-13-9-3](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-3)"Kankakee River basin"

[14-13-9-4](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-4)"Taxable parcel"

[14-13-9-4.5](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-4.5)"Tributaries of the Kankakee River"

[14-13-9-5](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-5)"Yellow River basin"

[14-13-9-6](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-6)Creation of commission

[14-13-9-7](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-7)Purposes of chapter

[14-13-9-8](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-8)Activities limited

[14-13-9-9](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-9)Members

[14-13-9-10](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-10)Advisory members; qualifications

[14-13-9-11](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-11)Member qualifications

[14-13-9-12](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-12)Term of members

[14-13-9-13](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-13)Eligibility for reappointment; vacancies

[14-13-9-14](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-14)Officers

[14-13-9-15](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-15)Meetings

[14-13-9-16](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-16)Rules

[14-13-9-17](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-17)Per diem compensation and traveling expenses

[14-13-9-18](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-18)Plan for flood control and drainage; exclusive authority; emergency

[14-13-9-19](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-19)Powers

[14-13-9-20](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-20)Grants and appropriations

[14-13-9-21](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-21)Special assessments imposed; alternatives to imposition of special assessments

[14-13-9-21.5](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-21.5)Informational meetings

[14-13-9-22](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-22)Special assessments; collection procedures

[14-13-9-23](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-23)County failure to pay special assessments or direct support; procedure; remedy

[14-13-9-24](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-24)Uses of money collected from special assessments

[14-13-9-25](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-25)Creation of segregated account; uses; landowner reimbursement

[14-13-9-26](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-26)Property interests

[14-13-9-27](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-27)Capacity to sue or be sued

[14-13-9-28](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-28)Agreements with agencies in other states

[14-13-9-29](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-29)Advisory committee

[14-13-9-30](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-30)Budgets and appropriations

[14-13-9-31](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-31)Duties

[14-13-9-32](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-32)Coordination of flood control activities

[14-13-9-33](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-33)Indiana business preference; criteria

[14-13-9-34](https://iga.in.gov/laws/2023/ic/titles/14#14-13-9-34)Indiana employment goal for public works projects awarded by the commission

**IC 14-13-9-0.5 Transitional provisions; initial appointments to commission; expiration**

     Sec. 0.5. (a) The Kankakee River basin commission is abolished. Notwithstanding [IC 14-30-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30-1), as in effect June 30, 2019, the term of any member serving on the Kankakee River basin commission expires July 1, 2019.

     (b) The county executive from each respective county shall appoint the member described in section 9(a)(2) from each of the following counties effective July 1, 2019:

        (1) LaPorte.

        (2) Marshall.

        (3) Porter.

        (4) Starke.

The term of a member initially appointed under this subsection begins on July 1, 2019.

     (c) Notwithstanding section 12 of this chapter, the term of a member appointed under subsection (b) is two (2) years. After July 1, 2021, the term of a member appointed from a county described in subsection (b) is four (4) years in accordance with section 12 of this chapter.

     (d) The county executive from each respective county shall appoint the member described in section 9(a)(2) from each of the following counties effective July 1, 2019:

        (1) Jasper.

        (2) Lake.

        (3) Newton.

        (4) St. Joseph.

A member appointed to an initial term under this subsection begins the member's term on July 1, 2019, and serves a four (4) year term as provided in section 12 of this chapter.

     (e) On July 1, 2019, all powers, duties, agreements, and liabilities of the Kankakee River basin commission are transferred to the commission.

     (f) On July 1, 2019, all records and property, including appropriations and other funds, under the control of the Kankakee River basin commission are transferred to the commission.

     (g) The executive director and employees of the Kankakee River basin commission on June 30, 2019, become employees of the commission on July 1, 2019, without change in compensation, seniority, or benefits and are entitled to have their service under the commission included for purposes of computing any applicable employment and retirement benefits.

     (h) After June 30, 2019, a reference to the Kankakee River basin commission in any statute, rule, or other document is considered a reference to the commission.

     (i) This section expires July 1, 2024.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-1"Basin"**

     Sec. 1. As used in this chapter, "basin" refers to the Kankakee River basin and the Yellow River basin.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-2"Commission"**

     Sec. 2. As used in this chapter, "commission" refers to the Kankakee River basin and Yellow River basin development commission established by this chapter.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-3"Kankakee River basin"**

     Sec. 3. As used in this chapter, "Kankakee River basin" means the following areas drained by the Kankakee River and the tributaries of the Kankakee River:

(1) The area in Jasper County, LaPorte County, Lake County, Marshall County, Newton County, Porter County, St. Joseph County, and Starke County that is drained by the Kankakee River and the tributaries of the Kankakee River in Indiana.

(2) The area in Kankakee County and Iroquois County in Illinois that is drained by the Kankakee River and the tributaries of the Kankakee River in Illinois.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-4"Taxable parcel"**

     Sec. 4. As used in this chapter, "taxable parcel" refers to a parcel that is not exempt from property taxation under [IC 6-1.1-10](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-10).

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-4.5"Tributaries of the Kankakee River"**

     Sec. 4.5. As used in this chapter, "tributaries of the Kankakee River" refers only to rivers and streams that flow into the Kankakee River at confluences located in Indiana.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-5"Yellow River basin"**

     Sec. 5. As used in this chapter, "Yellow River basin" means the area in Marshall County, Starke County, and St. Joseph County that is drained by the Yellow River in Indiana.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-6Creation of commission**

     Sec. 6. The Kankakee River basin and Yellow River basin development commission is established as a public body corporate and politic.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-7Purposes of chapter**

     Sec. 7. The exercise of the powers granted by this chapter is for the benefit of the people of Indiana and for the increase of their commerce, health, enjoyment, and prosperity. The operation, creation, development, and maintenance of the projects by the commission constitute the performance of essential governmental functions.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-8Activities limited**

     Sec. 8. The commission shall limit the commission's activities to the Kankakee River basin and the Yellow River basin.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-9 Members**

     Sec. 9. (a) The commission consists of the following individuals:

(1) The director of the department of natural resources, or the director's designee, who is a voting member.

(2) One (1) representative appointed by the county executive of each county in the basin in Indiana, who is a voting member.

     (b) The county executive of each county in the basin in Indiana shall appoint a member to represent the county before September 1, 2019. If a county executive fails to make the appointment before September 1, 2019, the county surveyor of that county shall assume the position on September 1, 2019, and serve the term of office prescribed by section 12 of this chapter.

     (c) A member appointed under subsection (a)(2) must reside in the Indiana county within the basin for which the member is appointed.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-10 Advisory members; qualifications**

     Sec. 10. (a) The commission may invite the executives of the counties located in the basin in Illinois to appoint one (1) member who meets the qualifications described in section 11 of this chapter to the commission.

     (b) If a member is appointed under this section, the member serves as a nonvoting advisory member of the commission.

     (c) If a member is appointed under this section, the member:

(1) is not entitled to reimbursement for traveling expenses or a salary per diem as provided in section 17 of this chapter; and

(2) may not be elected as an officer of the commission as provided in section 14 of this chapter.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-11 Member qualifications**

     Sec. 11. Each member of the commission appointed under section 9(a) of this chapter must have a background in:

(1) construction;

(2) project management;

(3) flood control;

(4) drainage; or

(5) another similar professional background.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-12 Term of members**

     Sec. 12. The term of office of a member of the commission is four (4) years and continues until a successor is appointed.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-13 Eligibility for reappointment; vacancies**

     Sec. 13. (a) An individual who is appointed to the commission is eligible for reappointment.

     (b) If a vacancy occurs in the position of a member of the commission, the authority that appointed the member shall appoint a new member to fill the vacancy in the same way that the member to be replaced was appointed.

     (c) If an appointee is appointed to serve an unexpired term, the appointee serves only until the end of the unexpired term.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-14 Officers**

     Sec. 14. (a) This section does not apply to a member appointed under section 10 of this chapter.

     (b) The commission shall elect the following officers:

(1) A chairman.

(2) A vice chairman.

(3) A secretary.

(4) A treasurer.

     (c) The:

(1) terms of the officers elected under subsection (b) may not exceed one (1) year; and

(2) officers are eligible for reelection.

     (d) The commission may establish and fill other offices the commission considers necessary.

     (e) Each officer of the commission shall perform the duties usually pertaining to the office.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-15 Meetings**

     Sec. 15. The commission shall meet:

(1) at least four (4) times per calendar year; and

(2) on the call of any of the following:

(A) The chairman.

(B) The executive director.

(C) A quorum of the members of the commission.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-16 Rules**

     Sec. 16. (a) The following rules apply to proceedings of the commission:

(1) Five (5) voting members constitute a quorum.

(2) At least five (5) affirmative votes are required for the commission to take action.

(3) The commission shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

     (b) The commission may adopt additional rules for the transaction of business.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-17 Per diem compensation and traveling expenses**

     Sec. 17. (a) This section does not apply to a member appointed under section 10 of this chapter.

     (b) Each commission member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

     (c) Each appointed commission member is entitled to the minimum salary per diem as provided in [IC 4-10-11-2.1](https://iga.in.gov/laws/2023/ic/titles/14#4-10-11-2.1)(b).

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-18 Plan for flood control and drainage; exclusive authority; emergency**

     Sec. 18. (a) The commission:

(1) shall develop a plan regarding flood control and drainage within the basin;

(2) shall, after June 30, 2019, have exclusive authority to implement drainage and flood control activities within the channels of the Kankakee River and the Yellow River and within the area extending seventy-five (75) feet from the top of each bank of each river;

(3) may participate in the flood control program established under [IC 5-1.2-13](https://iga.in.gov/laws/2023/ic/titles/14#5-1.2-13); and

(4) may acquire interests in land, including easements, for the commission's use in:

(A) providing flood storage; and

(B) the construction of levees and other flood control improvements.

     (b) The commission's exclusive authority to implement drainage and flood control activities under subsection (a)(2) includes the authority to do the following:

(1) Bank stabilization.

(2) Tree removal.

(3) The construction and operation of sand traps.

(4) Channel reconstruction.

(5) Sediment removal.

(6) Acquire, construct, and maintain access roads to levees and the channel of each river.

(7) Other actions considered necessary by the commission to carry out this chapter.

     (c) A county must first obtain authorization of the commission before performing any work within the area described in subsection (a)(2), unless the county must perform the work in response to an emergency.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-19 Powers**

     Sec. 19. The commission may do the following:

(1) Conduct all studies necessary for the performance of the commission's duties.

(2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.

(3) When requested, provide recommendations in matters related to the commission's functions and objectives to the following:

(A) Political subdivisions in the basin.

(B) Other public and private agencies.

(4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-20 Grants and appropriations**

     Sec. 20. (a) The commission may receive grants and appropriations from the following:

(1) Federal, state, and local governments.

(2) Individuals, foundations, and other organizations.

     (b) The commission may enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

     (c) The commission must expend money appropriated to the commission for the purpose for which the money is appropriated.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-21 Special assessments imposed; alternatives to imposition of special assessments**

     Sec. 21. (a) The commission is authorized to provide special benefits to taxpayers in the basin by promoting public safety and economic development that is of public use and benefit through public funds provided by the fiscal bodies of the Indiana counties located in the basin and the special assessments imposed under this chapter.

     (b) Except as provided by subsection (c), there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel of real property that is located within any part of the basin within an Indiana county as follows:

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

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

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

(B) the number of acres in the parcel.

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

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

(B) the number of acres in the parcel.

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

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

     (c) A county is not subject to the special assessment imposed by subsection (b) if the county fiscal body adopts a resolution opting to implement one (1) of the following methods of supporting the commission instead:

(1) The county may pay direct support to the commission in lieu of special assessments imposed under subsection (b) from any resources available to the county. Payments of direct support must be made in an amount equal to at least ninety percent (90%) of the amount that the county could raise through special assessments imposed under subsection (b).

(2) The county may:

(A) impose a special assessment for one (1) or more classes of property listed in subsection (b), that is less than the special assessment provided for the class or classes of property under subsection (b); and

(B) supplement the special assessments by paying direct support to the commission from any resources available to the county;

as long as the total amount raised by the county under this subdivision is at least equal to the amount the county could raise through special assessments imposed under subsection (b).

(3) The county may impose a schedule of special assessments in which:

(A) a special assessment for one (1) or more classes of property listed in subsection (b) is greater than the special assessment provided for the class or classes of property under subsection (b); and

(B) the total amount raised by the county under this subdivision is greater than the amount that could be raised by the county through special assessments imposed under subsection (b).

     (d) Payments of direct support under subsection (c)(1):

(1) must be paid in calendar years beginning after December 31, 2020; and

(2) are due at the same time special assessments are paid to the commission under section 22(e) of this chapter.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-21.5 Informational meetings**

     Sec. 21.5. Before January 1, 2021, the commission must hold at least two (2) public informational meetings in each Indiana county that is located within the basin concerning:

(1) the nature and details of the special assessment described in section 21 of this chapter; and

(2) a description of the flood control and other projects for which the revenue generated from the imposition of a special assessment under section 21 of this chapter will be used.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-22 Special assessments; collection procedures**

     Sec. 22. (a) In each calendar year beginning after December 31, 2020, the county treasurer shall do the following with respect to the property tax statement of a person owning a taxable parcel subject to a special assessment imposed under section 21 of this chapter:

(1) Add the amount of the special assessment.

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

(3) Indicate that the full annual assessment is due in the year the statement is sent.

     (b) A special assessment imposed under section 21 of this chapter must be collected in the same manner as other special assessments are collected under [IC 6-1.1](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1). However, a delinquent special assessment is not subject to enforcement under [IC 6-1.1-24](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-24) and [IC 6-1.1-25](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-25). The following apply to the enforcement of a special assessment:

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

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

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

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

     (d) For calendar years beginning after December 31, 2020, and ending before January 1, 2023, the county auditor shall pay the total amount of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter. For calendar years beginning after December 31, 2022, the county auditor shall do the following:

(1) In the case of special assessments imposed under section 21(b) of this chapter, the county auditor shall pay the total amount of the special assessments collected by the county treasurer to the commission for deposit under section 25 of this chapter.

(2) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 21(c)(2) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer for the county's use under section 24 of this chapter an amount equal to ten percent (10%) of the amount the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

(3) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 21(c)(3) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer the following amounts for the county's use under section 24 of this chapter:

(i) The total amount of the special assessments imposed under section 21(c)(3) of this chapter that exceeds the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(ii) An amount equal to ten percent (10%) of the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

     (e) The county auditor shall make the payments to the commission required by subsection (d) on the dates of the June and December settlement and apportionment of property taxes collected under [IC 6-1.1](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1).

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-23 County failure to pay special assessments or direct support; procedure; remedy**

     Sec. 23. (a) If:

(1) a county fails to pay direct support or special assessments to the commission when due under section 21 or 22 of this chapter; and

(2) more than thirty (30) days have elapsed since the due date;

the commission shall notify the auditor of state of the county's failure to pay and the amount due from the county. The commission may request that the auditor of state pay the amount due from local income taxes otherwise distributable to the county under [IC 6-3.6](https://iga.in.gov/laws/2023/ic/titles/14#6-3.6). The auditor of state shall immediately contact the county auditor and the commission to confirm whether the county is unable to make the required payment. Upon confirming the county's inability to make the payment, the auditor of state shall deduct the amount due from the next distribution of local income taxes allocated to the county under [IC 6-3.6](https://iga.in.gov/laws/2023/ic/titles/14#6-3.6).

     (b) This section must be interpreted liberally to ensure that the obligations of the commission are paid to the extent legally valid. However, this section does not create a debt of the state.

*As added by P.L.282-2019, SEC.8. Amended by P.L.13-2020, SEC.1.*

**IC 14-13-9-24 Uses of money collected from special assessments**

     Sec. 24. A county shall use money retained under section 22(d) of this chapter for the following purposes:

(1) To improve flood storage capacity along the tributaries of the Kankakee River and the Yellow River.

(2) Flood control and drainage projects within the basin.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-25 Creation of segregated account; uses; landowner reimbursement**

     Sec. 25. (a) The commission shall deposit special assessments received under section 22 of this chapter into a segregated account maintained by the commission. Except as provided in subsection (b), special assessments deposited into the account may not be transferred into other accounts belonging to the commission. Money in the account may be used only for the following purposes:

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

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the basin.

(3) To pay the annual installment and interest on a loan or other financial assistance received under [IC 5-1.2-13](https://iga.in.gov/laws/2023/ic/titles/14#5-1.2-13).

     (b) The commission shall establish an account for reimbursing landowners for damages incurred through the use of the landowners' land for flood storage. The account consists of money transferred from the segregated account described in subsection (a). The commission may transfer amounts considered appropriate by the commission.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-26 Property interests**

     Sec. 26. (a) The commission may:

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

(2) hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property or any interest in that property;

for the purposes prescribed by this chapter.

     (b) The commission may exercise the powers granted by this section for the development of the water resources of the basin.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-27 Capacity to sue or be sued**

     Sec. 27. The commission may sue and be sued.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-28 Agreements with agencies in other states**

     Sec. 28. The commission may, with the approval of the regional planning commissions affected and the department, enter into agreements with agencies in another state that are responsible for the planning or development of all or part of the basin in the other state.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-29 Advisory committee**

     Sec. 29. (a) There is established an advisory committee consisting of:

(1) the north-northwest regional director of the Indiana Association of Soil and Water Conservation Districts; and

(2) the county surveyor of each Indiana county within the basin.

However, a county surveyor may not be a member of the advisory committee if the county surveyor represents the county on the commission. The county executive of a county represented on the commission by the county surveyor shall appoint an individual other than the county surveyor to represent the county on the advisory committee.

     (b) The commission may appoint other advisory committees consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission.

     (c) A member of an advisory committee is not entitled to compensation for the member's services.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-30 Budgets and appropriations**

     Sec. 30. (a) The counties in the basin may budget, appropriate, and disburse an aggregate amount not to exceed fifty thousand dollars ($50,000) per year to carry out the purposes of the commission under this chapter. The appropriation shall be apportioned among the counties in the basin in direct relationship to the amount of land area lying within the basin boundaries.

     (b) The department shall certify the boundaries and the drainage area of each county within the basin after consultation with the respective county surveyors and the United States Army Corps of Engineers. The determination and certification shall be prepared before submission of budgets to the appropriating bodies so that the correct amount can be appropriated.

     (c) A regional planning commission may, upon request from the commission, furnish for a reasonable charge the support staff necessary for the commission.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-31 Duties**

     Sec. 31. (a) The commission shall do the following:

(1) Prepare and adopt by majority vote an annual budget.

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

     (b) After approval of the budget by the commission, money may be expended only as budgeted unless a majority vote of the commission authorizes other expenditure.

     (c) Any appropriated amounts remaining unexpended or unencumbered at the end of the year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund by a majority vote of the commission.

     (d) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

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

(2) periodically audit;

the accounts, records, and books of the commission.

     (e) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

(2) Procedures established by the commission.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-32 Coordination of flood control activities**

     Sec. 32. The commission shall coordinate its flood control activities with the department and other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-33 Indiana business preference; criteria**

     Sec. 33. (a) As used in this section, "out-of-state business" refers to a business that is not an Indiana business.

     (b) The commission may give a preference to an Indiana business that submits a bid under this article if all of the following apply:

(1) An out-of-state business submits a bid.

(2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

     (c) The commission shall establish criteria for determining the following:

(1) Whether a bidder qualifies as an Indiana business under the rules.

(2) When another state's preference is unfavorable to Indiana businesses.

(3) The method by which the preference for Indiana businesses is to be computed.

     (d) The commission may not give a preference to an Indiana business that is more favorable to the Indiana business than the other state's preference is to the other state's businesses.

*As added by P.L.282-2019, SEC.8.*

**IC 14-13-9-34 Indiana employment goal for public works projects awarded by the commission**

     Sec. 34. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in [IC 6-3-2-2](https://iga.in.gov/laws/2023/ic/titles/14#6-3-2-2). However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

     (b) When entering a bid under this chapter for a public works project, each contractor shall provide the commission with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

     (c) The goal for a contract awarded by the commission for a public works project is to award the contract to a contractor who:

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

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

*As added by P.L.282-2019, SEC.8.*

**IC 14-30ARTICLE 30. RIVER BASIN COMMISSIONS**

[Ch. 1.](https://iga.in.gov/laws/2023/ic/titles/14#14-30-1)Repealed

[Ch. 2.](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2)Maumee River Basin Commission

[Ch. 3.](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3)St. Joseph River Basin Commission

[Ch. 4.](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4)Upper Wabash River Basin Commission

**IC 14-30-1Chapter 1. Repealed**

**IC 14-30-2Chapter 2. Maumee River Basin Commission**

[14-30-2-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-1)"Basin" defined

[14-30-2-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-2)"Commission" defined

[14-30-2-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-3)"Maumee River basin" defined

[14-30-2-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-4)"Participating county" defined

[14-30-2-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-5)"Plan" defined

[14-30-2-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-6)Separate municipal corporation

[14-30-2-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-7)Participating county; designation

[14-30-2-8](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-8)Voting members

[14-30-2-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-9)Repealed

[14-30-2-10](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-10)Member designation and revocation

[14-30-2-11](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-11)Officers

[14-30-2-12](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-12)Travel expenses and salary per diem

[14-30-2-13](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-13)Powers of commission

[14-30-2-14](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-14)Cooperative agreement between political subdivision and other legal entity

[14-30-2-15](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-15)Flood control

[14-30-2-16](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-16)Public participation

[14-30-2-17](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-17)State approval

[14-30-2-18](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-18)Appropriations to carry out commission's responsibilities under cooperative agreement

[14-30-2-19](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-19)Annual budget

[14-30-2-20](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-20)Rules

[14-30-2-21](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-21)Advisory committees

[14-30-2-22](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-22)Powers pertaining to property

[14-30-2-23](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-23)Right of entry

[14-30-2-24](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-24)Exemptions

[14-30-2-25](https://iga.in.gov/laws/2023/ic/titles/14#14-30-2-25)Potential transformation of Maumee River basin commission into a watershed development commission

**IC 14-30-2-1"Basin" defined**

     Sec. 1. As used in this chapter, "basin" refers to the Maumee River basin.

[1995 Recodification Citation: New.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-2"Commission" defined**

     Sec. 2. As used in this chapter, "commission" refers to the Maumee River basin commission established by this chapter.

[Pre-1995 Recodification Citation: 36-7-6.1-1.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-3"Maumee River basin" defined**

     Sec. 3. As used in this chapter, "Maumee River basin" means the area in Indiana drained by the Maumee River and the tributaries of the Maumee River.

[Pre-1995 Recodification Citation: 36-7-6.1-2.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-4"Participating county" defined**

     Sec. 4. As used in this chapter, "participating county" refers to a county that joins the commission under section 7 of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.1-3.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-5"Plan" defined**

     Sec. 5. As used in this chapter, "plan" refers to a plan described in section 14(1) of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.1-4.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-6Separate municipal corporation**

     Sec. 6. The Maumee River basin commission is established as a separate municipal corporation.

[Pre-1995 Recodification Citation: 36-7-6.1-5.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-7 Participating county; designation**

     Sec. 7. The executive of a county that includes territory in the Maumee River basin may do the following:

(1) Elect to participate in the commission by designating the county as a participating county.

(2) Revoke the designation.

[Pre-1995 Recodification Citation: 36-7-6.1-6.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-8 Voting members**

     Sec. 8. The following shall serve as voting members of the commission:

(1) Each member of the county executive for a participating county.

(2) The executive director or, if a county does not have an executive director, the chairman of a soil and water conservation district that:

(A) is subject to [IC 14-32](https://iga.in.gov/laws/2023/ic/titles/14#14-32);

(B) includes territory in a participating county; and

(C) includes territory in the basin.

(3) The county surveyor of each participating county.

[Pre-1995 Recodification Citation: 36-7-6.1-7.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.142-1997, SEC.1.*

**IC 14-30-2-9 Repealed**

[Pre-1995 Recodification Citation: 36-7-6.1-8.]

*As added by P.L.1-1995, SEC.23. Repealed by P.L.142-1997, SEC.3.*

**IC 14-30-2-10 Member designation and revocation**

     Sec. 10. (a) A member of the commission may:

(1) designate another individual to perform the duties of the member on the commission; and

(2) revoke the designation.

     (b) A designation or a revocation of a designation under this section must be filed with the commission to be effective.

[Pre-1995 Recodification Citation: 36-7-6.1-9.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-11 Officers**

     Sec. 11. (a) The commission shall annually elect from among the voting members the following officers:

(1) A chairperson.

(2) A vice chairperson.

(3) A secretary.

(4) A treasurer.

     (b) The officers elected under subsection (a) shall be elected and shall perform the duties specified in the commission's bylaws.

     (c) The commission may establish other offices and determine the means of filling the offices.

[Pre-1995 Recodification Citation: 36-7-6.1-10.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-12 Travel expenses and salary per diem**

     Sec. 12. (a) Each member of the commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Money paid under this section may be paid only from the money available to the commission.

     (b) A county may pay members of the commission the salary per diem provided by [IC 4-10-11-2.1](https://iga.in.gov/laws/2023/ic/titles/14#4-10-11-2.1)(b) for the performance of the member's duties on the commission.

[Pre-1995 Recodification Citation: 36-7-6.1-11.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.142-1997, SEC.2.*

**IC 14-30-2-13 Powers of commission**

     Sec. 13. (a) The commission may do the following:

(1) Sue and be sued.

(2) Manage the commission's internal affairs.

(3) Employ staff.

(4) Enter into contracts to implement a cooperative agreement described in section 14 of this chapter.

(5) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 14 of this chapter.

     (b) This section does not exempt the commission from any statute.

[Pre-1995 Recodification Citation: 36-7-6.1-12.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-14 Cooperative agreement between political subdivision and other legal entity**

     Sec. 14. A political subdivision in a participating county may under [IC 36-1-7](https://iga.in.gov/laws/2023/ic/titles/14#36-1-7) enter into a cooperative agreement with the commission and at least one (1) other legal entity to authorize the commission to:

(1) develop a plan to control flooding in that part of the basin that is described in the cooperative agreement;

(2) exercise any of the other powers of the political subdivision to regulate water courses in the basin; or

(3) develop and promote good soil and water conservation practices and procedures.

[Pre-1995 Recodification Citation: 36-7-6.1-13.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-15 Flood control**

     Sec. 15. In developing the plan, the commission shall determine the best method and manner of establishing flood control, giving consideration to the following:

(1) The reservoir method.

(2) The channel improvement method.

(3) The levee method.

(4) Flood plain regulation.

(5) All nonstructural methods.

[Pre-1995 Recodification Citation: 36-7-6.1-14.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-16 Public participation**

     Sec. 16. The commission shall give the public an opportunity to participate in the development of the plan.

[Pre-1995 Recodification Citation: 36-7-6.1-15.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-17 State approval**

     Sec. 17. Before the plan is implemented by a political subdivision, the plan must be approved by the state in accordance with [IC 14-25](https://iga.in.gov/laws/2023/ic/titles/14#14-25) through [IC 14-29](https://iga.in.gov/laws/2023/ic/titles/14#14-29).

[Pre-1995 Recodification Citation: 36-7-6.1-16.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-18 Appropriations to carry out commission's responsibilities under cooperative agreement**

     Sec. 18. A political subdivision in a participating county may appropriate money to the commission to carry out any of the commission's responsibilities under a cooperative agreement described in section 14 of this chapter. Money appropriated to the commission that remains at the end of a year does not revert to the political subdivision appropriating the money.

[Pre-1995 Recodification Citation: 36-7-6.1-17.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-19 Annual budget**

     Sec. 19. The commission shall prepare an annual budget for the commission's operation and other expenditures under [IC 6-1.1-17](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-17).

[Pre-1995 Recodification Citation: 36-7-6.1-18.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.224-2007, SEC.104; P.L.146-2008, SEC.426; P.L.257-2019, SEC.85.*

**IC 14-30-2-20 Rules**

     Sec. 20. The commission may adopt rules to do the following:

(1) Require that increased water runoff resulting from new construction be impounded on the construction site.

(2) Permit the waiver of requirements of onsite water impoundment on payment of a reasonable fee by the developer of the new construction.

[Pre-1995 Recodification Citation: 36-7-6.1-19.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-21 Advisory committees**

     Sec. 21. The commission may appoint advisory committees consisting of individuals whose experience, training, or interest in the program enables the committees to assist the commission. A member of an advisory committee is not entitled to compensation for the member's services.

[Pre-1995 Recodification Citation: 36-7-6.1-20.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-22 Powers pertaining to property**

     Sec. 22. (a) For the purposes of this chapter, the commission may do the following:

(1) Acquire by grant, gift, purchase, or devise and dispose of conservation easements under [IC 32-23-5](https://iga.in.gov/laws/2023/ic/titles/14#32-23-5) in land within the one hundred (100) year flood plains and the wetlands in the basin.

(2) Acquire by grant, gift, purchase, or devise improvements within the one hundred (100) year flood plains of the basin for the purpose of removal of those improvements.

(3) Adopt rules under [IC 4-22-2](https://iga.in.gov/laws/2023/ic/titles/14#4-22-2) that restrict construction within the one hundred (100) year flood plains of the basin.

(4) Acquire, dispose, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise.

     (b) The commission may exercise the powers granted by this section as follows:

(1) For purposes of [IC 32-23-5](https://iga.in.gov/laws/2023/ic/titles/14#32-23-5).

(2) To contribute to the following:

(A) Flood control.

(B) Flood damage reduction.

(C) Improvements in water quality.

(D) Soil conservation.

[Pre-1995 Recodification Citation: 36-7-6.1-21.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.2-2002, SEC.63.*

**IC 14-30-2-23 Right of entry**

     Sec. 23. (a) The commission, board of directors, employees, or authorized representatives of the commission acting under this chapter may:

(1) enter the land lying within the one hundred (100) year flood plain of any watercourse; and

(2) enter nonflood plain land to gain access to the flood plain land;

to investigate, examine, survey, or investigate suspected violations of the Indiana flood control laws.

     (b) The commission must give twenty-one (21) days written notice to:

(1) an affected landowner;

(2) a contract purchaser; or

(3) for a municipality, the executive of the municipality;

before exercising the right of entry granted in this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

     (c) An affected landowner may, within the twenty-one (21) day notice period under subsection (b), appeal to the commission the proposed necessity for entry. If an appeal is made, the commission shall hold a hearing on the necessity for right of entry before the right of entry is exercised.

     (d) A person acting under this section must use due care to avoid damage to crops, fences, buildings, or other structures.

     (e) The commission, board of directors, employees, or authorized representative of the commission acting under this chapter does not commit criminal trespass under [IC 35-43-2-2](https://iga.in.gov/laws/2023/ic/titles/14#35-43-2-2).

[Pre-1995 Recodification Citation: 36-7-6.1-22.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-24 Exemptions**

     Sec. 24. (a) This section does not apply to the following:

(1) The adoption of rules restricting construction within the one hundred (100) year flood plain.

(2) The acquisition of conservation easements under [IC 32-23-5](https://iga.in.gov/laws/2023/ic/titles/14#32-23-5).

(3) The investigation of alleged violations of the Indiana flood control laws.

     (b) A power of the commission may not be exercised upon any of the following:

(1) A river included in the natural, scenic, or recreational river system under [IC 14-29-6](https://iga.in.gov/laws/2023/ic/titles/14#14-29-6) or the river's associated one hundred (100) year flood plain.

(2) A nature preserve under [IC 14-31-1](https://iga.in.gov/laws/2023/ic/titles/14#14-31-1).

[Pre-1995 Recodification Citation: 36-7-6.1-23.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.2-2002, SEC.64.*

**IC 14-30-2-25 Potential transformation of Maumee River basin commission into a watershed development commission**

     Sec. 25. (a) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

     (b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5):

(1) the county executives of all participating counties:

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

(B) must adopt substantively identical ordinances that set forth the information required by [IC 14-30.5-2-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-1)(b), including, for the purposes of [IC 14-30.5-2-0.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-0.5), the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

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

     (d) If a member of the county executive of a participating county has designated another individual under section 10 of this chapter to perform the member's duties on the commission, the individual designated to perform the duties of the member of the county executive may vote under subsection (b)(2) on the proposal described in subsection (a).

     (e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and adopt substantively identical ordinances under subsection (b)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (b)(2), and the natural resources commission approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (b)(1)(B), the following apply:

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

(2) The officers of the commission elected under section 11 of this chapter shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

(3) The board of the watershed development commission consists of the following:

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

(B) The county surveyor of each county participating in the commission.

(C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.

(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the Maumee River basin; or

(ii) if a participating county does not include a second class city that is located within the Maumee River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the Maumee River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the Maumee River basin shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

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

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1)(a)(1).

(5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under [IC 14-30.5-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4) of the board of the watershed development commission:

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

(B) the Maumee watershed development commission is established as a public body corporate and politic under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5);

(C) the participating counties of the Maumee River basin commission become member counties of the Maumee watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(D) each participating county of the Maumee River basin commission is authorized to appoint an individual under [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1) to represent the county on the board of the Maumee watershed development commission.

     (f) If established under this section, the Maumee watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;

the former Maumee River basin commission.

     (g) If established under this section, the Maumee watershed development commission has all of the powers and duties of a watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5) in the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission. For the purposes of [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5), the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission comprise the designated watershed of the Maumee watershed development commission.

     (h) If the Maumee watershed development commission is established under this section, the board of the Maumee watershed development commission shall appoint an executive director under [IC 14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)(e). An individual who was executive director of the Maumee River basin commission may be appointed executive director of the Maumee watershed development commission under this subsection.

     (i) If the Maumee watershed development commission is established under this section, all property, records, and funds of the former Maumee River basin commission:

(1) become property, records, and funds of the Maumee watershed development commission; and

(2) shall be transmitted to the Maumee watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (h).

*As added by P.L.251-2023, SEC.10.*

**IC 14-30-3Chapter 3. St. Joseph River Basin Commission**

[14-30-3-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-1)"Basin"

[14-30-3-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-2)"Commission"

[14-30-3-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-3)"Participating county"

[14-30-3-3.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-3.5)"Plan"

[14-30-3-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-4)"St. Joseph River basin"

[14-30-3-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-5)Separate municipal corporation

[14-30-3-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-6)Participating county; designation

[14-30-3-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-7)Boundary certification

[14-30-3-8](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-8)Members

[14-30-3-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-9)Term of office

[14-30-3-10](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-10)Travel expenses

[14-30-3-11](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-11)Officers

[14-30-3-12](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-12)Executive board

[14-30-3-13](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-13)Advisory committee

[14-30-3-14](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-14)Duties

[14-30-3-15](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-15)Repealed

[14-30-3-15.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-15.5)Electronic meetings

[14-30-3-16](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-16)Record

[14-30-3-17](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-17)Capacity to sue or be sued

[14-30-3-18](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-18)Annual report

[14-30-3-19](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-19)Powers

[14-30-3-20](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-20)Government officials attending meetings and advising

[14-30-3-21](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-21)Interstate compact with Michigan

[14-30-3-22](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-22)Grants and appropriations

[14-30-3-23](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-23)Budget

[14-30-3-24](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-24)Appropriations to carry out commission's responsibilities

[14-30-3-25](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-25)Expenditures; deposits

[14-30-3-26](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-26)Political subdivision cooperative agreement with commission

[14-30-3-27](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-27)Determination of best method and manner

[14-30-3-28](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-28)Public meeting concerning plan to improve water quality or mitigate flooding

[14-30-3-29](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-29)State approval of plan

[14-30-3-30](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-30)Commission rules

[14-30-3-31](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-31)Commission acquisition powers; restriction of construction in flood plains

[14-30-3-32](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-32)Power to enter land; notice; right to appeal

[14-30-3-33](https://iga.in.gov/laws/2023/ic/titles/14#14-30-3-33)Potential transformation of St. Joseph River basin commission into a watershed development commission

**IC 14-30-3-1"Basin"**

     Sec. 1. As used in this chapter, "basin" refers to the St. Joseph River basin.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-2"Commission"**

     Sec. 2. As used in this chapter, "commission" refers to the St. Joseph River basin commission established by this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-1(a) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-3"Participating county"**

     Sec. 3. As used in this chapter, "participating county" refers to a county that joins the commission under section 6 of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-1(f).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-3.5"Plan"**

     Sec. 3.5. As used in this chapter, "plan" refers to a plan described in section 26(1) of this chapter.

*As added by P.L.138-2018, SEC.3.*

**IC 14-30-3-4"St. Joseph River basin"**

     Sec. 4. As used in this chapter, "St. Joseph River basin" means the area in Elkhart County, Kosciusko County, LaGrange County, Noble County, St. Joseph County, and Steuben County that drains into the St. Joseph River.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-5Separate municipal corporation**

     Sec. 5. The St. Joseph River basin commission is established as a separate municipal corporation.

[Pre-1995 Recodification Citation: 36-7-6.2-1(a) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-6 Participating county; designation**

     Sec. 6. The executive of a county that includes territory in the basin may do the following:

(1) Elect to participate in the commission by designating the county as a participating county.

(2) Revoke the designation.

[Pre-1995 Recodification Citation: 36-7-6.2-1(e).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-7 Boundary certification**

     Sec. 7. After consultation with the surveyor of each county in the basin, the director shall certify the boundaries of the basin.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-8 Members**

     Sec. 8. The commission consists of the following individuals:

(1) From each participating county the following:

(A) The executive of each second class city or the executive's designee.

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

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

(3) The county health officer or the health officer's designee from each participating county.

(4) The county surveyor of each participating county or the county surveyor's designee.

(5) A representative of each soil and water conservation district that:

(A) is subject to [IC 14-32](https://iga.in.gov/laws/2023/ic/titles/14#14-32);

(B) includes territory in a participating county; and

(C) includes territory in the basin.

(6) The director or the director's designee.

[Pre-1995 Recodification Citation: 36-7-6.2-2(a).]

*As added by P.L.1-1995, SEC.23. Amended by P.L.138-2018, SEC.4.*

**IC 14-30-3-9 Term of office**

     Sec. 9. The term of office of an appointed member of the commission is three (3) years and continues until a successor is appointed and certified.

[Pre-1995 Recodification Citation: 36-7-6.2-2(b).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-10 Travel expenses**

     Sec. 10. The members of the commission serve without compensation. However, each member is entitled to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

[Pre-1995 Recodification Citation: 36-7-6.2-2(c).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-11 Officers**

     Sec. 11. (a) The commission shall elect from among the members the following officers:

(1) A chairman.

(2) A vice chairman.

(3) A secretary.

(4) A treasurer.

     (b) The:

(1) term of office for the officers elected under subsection (a) is one (1) year; and

(2) officers are eligible for reelection.

     (c) The commission may establish and fill other offices that the commission considers necessary.

[Pre-1995 Recodification Citation: 36-7-6.2-3(a), (b).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-12 Executive board**

     Sec. 12. (a) The commission may establish an executive board consisting of the following:

(1) The chairman of the commission.

(2) One (1) member from each participating county that is not represented by the chairman, to be chosen in a manner prescribed by the commission.

     (b) The commission may delegate to the executive board the power to do the following:

(1) Recommend agenda items and activities to the commission.

(2) Conduct hearings on proposed commission projects.

(3) Perform other administrative duties assigned by the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-3(c).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-13 Advisory committee**

     Sec. 13. The commission may appoint an advisory committee to assist the commission. A member of an advisory committee is not entitled to compensation for serving on the advisory committee.

[Pre-1995 Recodification Citation: 36-7-6.2-3(d).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-14 Duties**

     Sec. 14. (a) The commission shall do the following:

(1) Fix the times of the commission's regular meetings.

(2) Have at least one (1) meeting in each quarter of the year.

     (b) A special meeting of the commission may be called in a manner that the commission shall establish.

     (c) A member of the commission may waive notice of any meeting by filing a written waiver with the secretary of the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-4.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-15 Repealed**

[Pre-1995 Recodification Citation: 36-7-6.2-5(a), (b).]

*As added by P.L.1-1995, SEC.23. Repealed by P.L.138-2018, SEC.5.*

**IC 14-30-3-15.5 Electronic meetings**

     Sec. 15.5. (a) This section applies to meetings under [IC 5-14-1.5](https://iga.in.gov/laws/2023/ic/titles/14#5-14-1.5) of:

(1) the commission; or

(2) an executive board appointed under section 12 of this chapter.

     (b) The definitions in [IC 5-14-1.5](https://iga.in.gov/laws/2023/ic/titles/14#5-14-1.5) apply to this section.

     (c) A commission member may participate in a meeting by an electronic means that allows:

(1) all participating members; and

(2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

     (d) Both of the following apply to a meeting under this section:

(1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.

(2) All votes during the meeting must be taken by roll call vote.

Nothing in this section affects the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

     (e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the executive board is required to physically attend at least one (1) meeting of the executive board annually.

     (f) The commission may adopt a policy to govern participation in the meetings of the commission or the executive board by electronic communication. The policy may do any of the following:

(1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.

(3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

(A) the member votes with the majority; and

(B) the official action is adopted or defeated by one (1) vote.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

     (g) Nothing in this section affects the commission's right to exclude the public from an executive session in which a member participates by electronic communication.

*As added by P.L.30-2015, SEC.2.*

**IC 14-30-3-16 Record**

     Sec. 16. (a) The commission shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

     (b) The commission may adopt rules for the transaction of business.

[Pre-1995 Recodification Citation: 36-7-6.2-5(c), (d).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-17 Capacity to sue or be sued**

     Sec. 17. The commission may sue and be sued.

[Pre-1995 Recodification Citation: 36-7-6.2-5(e).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-18 Annual report**

     Sec. 18. The commission shall make an annual report of the commission's activities to the executive of each participating county. The commission shall upon request make an annual report to the following:

(1) The governor.

(2) Any member of the general assembly.

[Pre-1995 Recodification Citation: 36-7-6.2-6.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-19 Powers**

     Sec. 19. The commission may do the following:

(1) Provide a forum for the discussion, study, and evaluation of water resource issues of common concern in the basin.

(2) Facilitate and foster cooperative planning and coordinated management of the basin's water and related land resources.

(3) Develop positions on major water resource issues and serve as an advocate of the basin's interests before Congress and federal, state, and local governmental agencies.

(4) Develop plans and tools to improve water quality or mitigate flooding in the basin.

(5) Publicize, advertise, and distribute reports on the commission's purposes, objectives, studies, and findings.

(6) When requested, make recommendations in matters related to the commission's functions and objectives to political subdivisions in the basin and to other public and private agencies.

(7) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(8) Employ staff.

(9) Enter into contracts for the purposes of this chapter.

(10) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 26 of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-7.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.138-2018, SEC.6.*

**IC 14-30-3-20 Government officials attending meetings and advising**

     Sec. 20. The commission may invite the governor, government officials, or other individuals from the St. Joseph River basin in Michigan to do the following:

(1) Attend the commission's meetings.

(2) Advise the commission upon the commission's request.

[Pre-1995 Recodification Citation: 36-7-6.2-1(c).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-21 Interstate compact with Michigan**

     Sec. 21. The commission shall do the following:

(1) Explore the desirability of entering into an interstate compact with Michigan to improve water quality in the basin.

(2) Make recommendations on the content of a compact.

[Pre-1995 Recodification Citation: 36-7-6.2-1(d).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-22 Grants and appropriations**

     Sec. 22. (a) The commission may receive grants and appropriations from the following:

(1) Federal, state, and local governments.

(2) Individuals, foundations, and other organizations.

     (b) The commission may enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-8.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-23 Budget**

     Sec. 23. The commission shall do the following:

(1) Prepare and adopt an annual budget.

(2) Submit the budget to the executive of each participating county.

(3) Make the budget available to each agency appropriating money to the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-9.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-24 Appropriations to carry out commission's responsibilities**

     Sec. 24. (a) The participating counties may budget, appropriate, and disburse money to carry out the purposes of the commission under this chapter.

     (b) The appropriation from the participating counties that is needed for all or part of the commission's budget shall be apportioned among the participating counties in direct relationship to the amount of land area in each participating county certified under section 7 of this chapter.

     (c) The apportionment that is needed from each participating county shall be presented to the county executive at the same time that budgets are presented by county officers.

[Pre-1995 Recodification Citation: 36-7-6.2-10.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-25 Expenditures; deposits**

     Sec. 25. (a) The commission shall make expenditures only as budgeted. However, the commission may revise the budget at any time to authorize unbudgeted expenditures.

     (b) Any appropriated amounts remaining unexpended or unencumbered at the end of the fiscal year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund.

     (c) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

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

(2) periodically audit;

the accounts, records, and books of the commission.

     (d) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

(2) Procedures established by the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-11.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-26 Political subdivision cooperative agreement with commission**

     Sec. 26. A political subdivision in a participating county may under [IC 36-1-7](https://iga.in.gov/laws/2023/ic/titles/14#36-1-7) enter into a cooperative agreement with the commission and at least one (1) other legal entity to authorize the commission to:

(1) develop a plan to improve water quality or mitigate flooding in the part of the basin that is described in the cooperative agreement;

(2) exercise any of the other powers of the political subdivision to regulate watercourses in the basin; or

(3) develop and promote good soil and water conservation practices and procedures.

*As added by P.L.138-2018, SEC.7.*

**IC 14-30-3-27 Determination of best method and manner**

     Sec. 27. In developing a plan to improve water quality or mitigate flooding in the part of the basin described in a cooperative agreement entered into under section 26 of this chapter, the commission shall determine the best method and manner of improving water quality or mitigating flooding, giving consideration to the following:

(1) The increase infiltration method.

(2) The channel improvement method.

(3) The wetland restoration method.

(4) Flood plain regulation.

(5) All nonstructural methods.

*As added by P.L.138-2018, SEC.8.*

**IC 14-30-3-28 Public meeting concerning plan to improve water quality or mitigate flooding**

     Sec. 28. (a) The commission shall schedule a public meeting in accordance with [IC 5-14-1.5](https://iga.in.gov/laws/2023/ic/titles/14#5-14-1.5) in each participating county containing a political subdivision that has entered into a cooperative agreement under section 26(1) of this chapter authorizing the commission to develop a plan. The purpose of the public meeting shall be to gain input regarding the development of the plan before the plan is implemented in accordance with this chapter.

     (b) The commission shall do the following:

(1) At least ten (10) days before the public meeting in each participating county described in subsection (a), post a copy of the proposed plan on the commission's Internet web site or the Internet web site of the participating county (if the county maintains an Internet web site).

(2) Publish notice of each public meeting in a participating county described in subsection (a) in accordance with [IC 5-3-1](https://iga.in.gov/laws/2023/ic/titles/14#5-3-1) at least ten (10) days before the public meeting.

(3) Include the following information in the notice described in subdivision (2):

(A) The date, time, and place of the meeting in each participating county described in subsection (a).

(B) A synopsis of the subject matter of the meeting.

(C) How an individual may obtain a copy of the proposed plan from the commission.

(D) That the public is encouraged to make comments at the meeting.

     (c) At the meeting, the commission shall allow the public to be heard on the proposed plan.

*As added by P.L.138-2018, SEC.9.*

**IC 14-30-3-29 State approval of plan**

     Sec. 29. Before a plan is implemented by a political subdivision, the plan must be approved by the state in accordance with [IC 14-25](https://iga.in.gov/laws/2023/ic/titles/14#14-25) through [IC 14-29](https://iga.in.gov/laws/2023/ic/titles/14#14-29).

*As added by P.L.138-2018, SEC.10.*

**IC 14-30-3-30 Commission rules**

     Sec. 30. The commission may adopt rules to do the following:

(1) Require that increased water runoff resulting from new construction be impounded on the construction site.

(2) Permit the requirement of onsite water impoundment under subdivision (1) to be waived upon payment of a reasonable fee by the developer of the new construction.

*As added by P.L.138-2018, SEC.11.*

**IC 14-30-3-31 Commission acquisition powers; restriction of construction in flood plains**

     Sec. 31. (a) For the purposes of this chapter, the commission may do the following:

(1) Acquire by grant, gift, purchase, or devise, and dispose of, conservation easements under [IC 32-23-5](https://iga.in.gov/laws/2023/ic/titles/14#32-23-5) in land within the one hundred (100) year flood plains and the wetlands in the basin.

(2) Acquire, by grant, gift, purchase, or devise, improvements within the one hundred (100) year flood plains of the basin for the purpose of removing those improvements.

(3) Adopt rules that restrict construction within the one hundred (100) year flood plains of the basin.

(4) Acquire, dispose of, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise.

     (b) The commission may exercise the powers granted by this section as follows:

(1) For purposes of [IC 32-23-5](https://iga.in.gov/laws/2023/ic/titles/14#32-23-5).

(2) To contribute to the following:

(A) Flood mitigation.

(B) Flood damage reduction.

(C) Improvements in water quality.

(D) Soil conservation.

*As added by P.L.138-2018, SEC.12.*

**IC 14-30-3-32 Power to enter land; notice; right to appeal**

     Sec. 32. (a) The commission, the executive board, or employees or authorized representatives of the commission acting under this chapter may:

(1) enter the land lying within the one hundred (100) year flood plain of any watercourse in the basin; and

(2) enter land lying outside the one hundred (100) year flood plain to gain access to land lying within the one hundred (100) year flood plain in the basin;

if necessary to investigate, examine, or survey the land or investigate suspected violations of the Indiana flood control laws.

     (b) The commission must give twenty-one (21) days written notice to:

(1) an owner of the affected land;

(2) a contract purchaser of the affected land; or

(3) if the land is municipal property (as described in [IC 6-1.1-10-5](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-10-5)(a)), the executive of the municipality;

before exercising the right to enter land under this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

     (c) A person described in subsection (b)(1) through (b)(3) may, within the twenty-one (21) day notice period required by subsection (b), appeal the proposed entry under subsection (a) to the commission on the grounds that the proposed entry is not necessary. If a person appeals under this subsection, the commission shall hold a hearing on the necessity of the entry before the right of entry is exercised.

     (d) A person entering land under this section must use due care to avoid damage to crops or to fences, buildings, and other structures.

     (e) Neither the commission, the executive board, nor employees or authorized representatives of the commission acting under this chapter commits criminal trespass under [IC 35-43-2-2](https://iga.in.gov/laws/2023/ic/titles/14#35-43-2-2) by entering land described in subsection (a) for a purpose set forth in subsection (a).

*As added by P.L.138-2018, SEC.13.*

**IC 14-30-3-33 Potential transformation of St. Joseph River basin commission into a watershed development commission**

     Sec. 33. (a) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

     (b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5):

(1) the county executives of all participating counties:

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

(B) must adopt substantively identical ordinances that set forth the information required by [IC 14-30.5-2-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-1)(b), including, for the purposes of [IC 14-30.5-2-0.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-0.5), the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

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

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

     (e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and adopt substantively identical ordinances under subsection (b)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (b)(2), and the natural resources commission approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (b)(1)(B), the following apply:

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

(2) The officers of the commission elected under section 11 of this chapter shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

(3) The board of the watershed development commission consists of the following:

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

(B) The county surveyor of each county participating in the commission.

(C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.

(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the St. Joseph River basin; or

(ii) if a participating county does not include a second class city that is located within the St. Joseph River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

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

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1)(a)(1).

(5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under [IC 14-30.5-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4) of the board of the watershed development commission:

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

(B) the St. Joseph watershed development commission is established as a public body corporate and politic under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5);

(C) the participating counties of the St. Joseph River basin commission become member counties of the St. Joseph watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(D) each participating county of the St. Joseph River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the St. Joseph watershed development commission.

     (f) If established under this section, the St. Joseph watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;

the former St. Joseph River basin commission.

     (g) If established under this section, the St. Joseph watershed development commission has all of the powers and duties of a watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5) in the areas of the watershed of the St. Joseph River and the tributaries of the St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission. For the purposes of [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5), the areas of the watershed of the St. Joseph River and the tributaries of the St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission comprise the designated watershed of the St. Joseph watershed development commission.

     (h) If the St. Joseph watershed development commission is established under this section, the board of the St. Joseph watershed development commission shall appoint an executive director under [IC 14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)(e). An individual who was executive director of the St. Joseph River basin commission may be appointed executive director of the St. Joseph watershed development commission under this subsection.

     (i) If the St. Joseph watershed development commission is established under this section, the following apply:

(1) All property, records, and funds of the St. Joseph River basin commission:

(A) become property, records, and funds of the St. Joseph watershed development commission; and

(B) shall be transmitted to the St. Joseph watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (h).

(2) Any advisory committee appointed under section 13 of this chapter is dissolved.

(3) The individuals serving as members of the St. Joseph River basin commission under section 8 of this chapter become the members of the advisory committee of the St. Joseph watershed development commission. Upon the expiration under section 9 of this chapter or other termination of the term of office of an individual described in this subdivision, the office of the individual shall be filled by a successor according to subdivision (4).

(4) As provided in subdivision (3) and [IC 14-30.5-4-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-5)(c)(3), upon the termination of the terms of office of all of the individuals who become members of the advisory committee under subdivision (3), the advisory committee of the St. Joseph watershed development commission shall consist of the following members:

(A) From each participating county the following:

(i) The executive of each second class city that is located in the participating county and within the St. Joseph River basin, or the executive's designee.

(ii) If the county does not have a second class city that is located within the St. Joseph River basin, the executive of the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin, or the executive's designee.

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

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

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

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

(i) is subject to [IC 14-32](https://iga.in.gov/laws/2023/ic/titles/14#14-32);

(ii) includes territory in a participating county; and

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

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

*As added by P.L.251-2023, SEC.11.*

**IC 14-30-4Chapter 4. Upper Wabash River Basin Commission**

[14-30-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-1)"Basin" defined

[14-30-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-2)"Commission" defined

[14-30-4-3](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-3)"Participating county" defined

[14-30-4-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-4)"Plan" defined

[14-30-4-5](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-5)"Upper Wabash River basin" defined

[14-30-4-6](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-6)Establishment

[14-30-4-7](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-7)Designation as participating county

[14-30-4-8](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-8)Voting members

[14-30-4-9](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-9)Designation of member; revocation

[14-30-4-10](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-10)Officers

[14-30-4-11](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-11)Reimbursements; per diems

[14-30-4-12](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-12)Powers

[14-30-4-13](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-13)Cooperative agreements

[14-30-4-14](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-14)Flood control plans

[14-30-4-15](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-15)Plans; public hearings; approval

[14-30-4-16](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-16)Annual budget

[14-30-4-17](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-17)Rules

[14-30-4-18](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-18)Advisory committees

[14-30-4-19](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-19)Access to lands

[14-30-4-20](https://iga.in.gov/laws/2023/ic/titles/14#14-30-4-20)Potential transformation of Upper Wabash River basin commission into a watershed development commission

**IC 14-30-4-1"Basin" defined**

     Sec. 1. As used in this chapter, "basin" refers to the upper Wabash River basin.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-2"Commission" defined**

     Sec. 2. As used in this chapter, "commission" refers to the Upper Wabash River basin commission established by this chapter.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-3"Participating county" defined**

     Sec. 3. As used in this chapter, "participating county" refers to a county that joins the commission under section 7 of this chapter.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-4"Plan" defined**

     Sec. 4. As used in this chapter, "plan" refers to a plan described in section 13(1) of this chapter.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-5"Upper Wabash River basin" defined**

     Sec. 5. As used in this chapter, "upper Wabash River basin" means the area located in Adams County, Huntington County, Jay County, or Wells County that is drained by the Wabash River, including the tributaries of the Wabash River.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-6Establishment**

     Sec. 6. The upper Wabash River basin commission is established as a separate municipal corporation.

*As added by P.L.35-2001, SEC.7. Amended by P.L.2-2005, SEC.56.*

**IC 14-30-4-7Designation as participating county**

     Sec. 7. Subject to section 6(b) of this chapter, the executive of a county that includes territory in the upper Wabash River basin may do the following:

(1) Elect to participate in the commission by designating the county as a participating county.

(2) Revoke the designation.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-8 Voting members**

     Sec. 8. The following serve as voting members of the commission:

(1) The three (3) county commissioners from each participating county.

(2) The chairman of a soil and water conservation district for each participating county that:

(A) is subject to [IC 14-32](https://iga.in.gov/laws/2023/ic/titles/14#14-32);

(B) includes territory in a participating county; and

(C) includes territory in the basin.

(3) The county surveyor of each participating county.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-9 Designation of member; revocation**

     Sec. 9. (a) A member of the commission may:

(1) designate another individual to perform the duties of the member on the commission; and

(2) revoke the designation.

     (b) Any designation or a revocation of a designation under this section must be filed with the commission to be effective.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-10 Officers**

     Sec. 10. (a) The commission shall annually elect from among the voting members the following officers:

(1) A chairperson.

(2) A vice chairperson.

(3) A secretary.

(4) A treasurer.

     (b) The officers elected under subsection (a) shall be elected and shall perform the duties specified in the commission's bylaws.

     (c) The commission may establish other offices and determine the means of filling the offices.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-11 Reimbursements; per diems**

     Sec. 11. (a) Each member of the commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Money paid under this section may be paid only from the money available to the commission.

     (b) A county may pay members of the commission the salary per diem provided by [IC 4-10-11-2.1](https://iga.in.gov/laws/2023/ic/titles/14#4-10-11-2.1)(b) for the performance of the member's duties on the commission.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-12 Powers**

     Sec. 12. (a) The commission may do the following:

(1) Sue and be sued.

(2) Manage the commission's internal affairs.

(3) Employ staff.

(4) Enter into contracts to implement a cooperative agreement described in section 13 of this chapter.

(5) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 13 of this chapter.

     (b) This section does not exempt the commission from any statute.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-13 Cooperative agreements**

     Sec. 13. A political subdivision in a participating county may under [IC 36-1-7](https://iga.in.gov/laws/2023/ic/titles/14#36-1-7) enter into a cooperative agreement with the commission and at least one (1) other legal entity to authorize the commission to:

(1) develop a plan to control flooding and improve drainage in that part of the basin that is described in the cooperative agreement;

(2) organize and coordinate the installation of trails along the upper Wabash River basin through partnerships with other organizations; or

(3) develop and promote good soil and water conservation practices and procedures, including erosion control and bank stabilization.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-14 Flood control plans**

     Sec. 14. In developing the plan, the commission shall determine the best method and manner of establishing flood control, giving consideration to the following:

(1) The reservoir method.

(2) The channel improvement method.

(3) The levee method.

(4) Flood plain regulation.

(5) All nonstructural methods.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-15P lans; public hearings; approval**

     Sec. 15. (a) The commission shall give the public an opportunity to participate in the development of the plan by holding public hearings at which public testimony is heard and by accepting written recommendations from the public.

     (b) Before the plan is implemented by a political subdivision, the plan must be approved by the department of natural resources in accordance with [IC 14-25](https://iga.in.gov/laws/2023/ic/titles/14#14-25) through [IC 14-29](https://iga.in.gov/laws/2023/ic/titles/14#14-29).

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-16 Annual budget**

     Sec. 16. (a) The commission shall prepare an annual budget for the commission's operation and other expenditures under [IC 6-1.1-17](https://iga.in.gov/laws/2023/ic/titles/14#6-1.1-17).

     (b) The commission is not eligible for funding through the Wabash River heritage corridor commission established by [IC 14-13-6-6](https://iga.in.gov/laws/2023/ic/titles/14#14-13-6-6).

*As added by P.L.35-2001, SEC.7. Amended by P.L.224-2007, SEC.105; P.L.146-2008, SEC.427; P.L.257-2019, SEC.86.*

**IC 14-30-4-17 Rules**

     Sec. 17. The commission may adopt rules under [IC 4-22-2](https://iga.in.gov/laws/2023/ic/titles/14#4-22-2) to require that increased water runoff resulting from new construction be impounded on the construction site.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-18 Advisory committees**

     Sec. 18. The commission may appoint advisory committees consisting of individuals whose experience, training, or interest in the upper Wabash River basin enables the committees to assist the commission. A member of an advisory committee is not entitled to compensation for the member's services.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-19 Access to lands**

     Sec. 19. (a) The commission, board of directors, employees, or authorized representatives of the commission acting under this chapter may:

(1) enter the land lying within the one hundred (100) year flood plain of any watercourse; and

(2) enter nonflood plain land to gain access to the flood plain land;

to investigate, examine, survey, or investigate suspected violations of the Indiana flood control laws.

     (b) The commission must give sixty (60) days written notice to:

(1) an affected landowner;

(2) a contract purchaser; or

(3) for a municipality, the executive of the municipality;

before exercising the right of entry granted in this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

     (c) An affected landowner may, within the sixty (60) day notice period under subsection (b), appeal the proposed necessity for entry to a court in the county in which the property is located. If an appeal is made, the commission may not exercise the right of entry until a final decision is made by the court.

     (d) A person acting under this section must use due care to avoid damage to crops, fences, buildings, or other structures.

*As added by P.L.35-2001, SEC.7.*

**IC 14-30-4-20 Potential transformation of Upper Wabash River basin commission into a watershed development commission**

     Sec. 20. (a) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

     (b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5):

(1) the county executives of all participating counties:

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

(B) must adopt substantively identical ordinances that set forth the information required by [IC 14-30.5-2-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-1)(b), including, for the purposes of [IC 14-30.5-2-0.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-2-0.5), the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

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

     (d) If a member of the county executive of a participating county has designated another individual under section 9(a)(1) of this chapter to perform the member's duties on the commission, the individual designated to perform the member's duties may vote under subsection (b)(2) on the proposal described in subsection (a).

     (e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and adopt substantively identical ordinances under subsection (b)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (b)(2), and the natural resources commission approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (b)(1)(B), the following apply:

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

(2) The officers of the commission elected under section 10 of this chapter shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to this chapter into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5).

(3) The board of the watershed development commission consists of the following:

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

(B) The county surveyor of each county participating in the commission.

(C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.

(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the upper Wabash River basin; or

(ii) if a participating county does not include a second class city that is located within the upper Wabash River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin shall be appointed by the board of storm water management (as described in [IC 8-1.5-5-4](https://iga.in.gov/laws/2023/ic/titles/14#8-1.5-5-4)) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

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

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in [IC 14-30.5-4-1](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-1)(a)(1).

(5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under [IC 14-30.5-4](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4) of the board of the watershed development commission:

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

(B) the Upper Wabash watershed development commission is established as a public body corporate and politic under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5);

(C) the participating counties of the Upper Wabash River basin commission become member counties of the Upper Wabash watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5); and

(D) each participating county of the Upper Wabash River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the Upper Wabash watershed development commission.

     (f) If established under this section, the Upper Wabash watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;

the former Upper Wabash River basin commission.

     (g) If established under this section, the Upper Wabash watershed development commission has all of the powers and duties of a watershed development commission under [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5) in the areas of the watershed of the Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission. For the purposes of [IC 14-30.5](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5), the areas of the watershed of the Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission comprise the designated watershed of the Upper Wabash watershed development commission.

     (h) If the Upper Wabash watershed development commission is established under this section, the board of the Upper Wabash watershed development commission shall appoint an executive director under [IC 14-30.5-4-2](https://iga.in.gov/laws/2023/ic/titles/14#14-30.5-4-2)(e). An individual who was executive director of the Upper Wabash River basin commission may be appointed executive director of the Upper Wabash watershed development commission under this subsection.

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

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

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

*As added by P.L.251-2023, SEC.12.*

**IC 14-30-5Chapter 5. Expired**

*As added by P.L.142-2017, SEC.1. Expired 7-1-2022 by P.L.142-2017, SEC.1.*