

## **IC 15-16-6**

### **Chapter 6. Organization of Horticultural and Quarantine Districts**

#### **IC 15-16-6-1**

##### **Authority to organize horticulture and quarantine districts; purposes**

Sec. 1. (a) Horticultural and quarantine districts may be organized under this chapter for any or all of the following purposes:

- (1) To prevent the spread of contagious diseases among fruit, fruit trees, and fruit bearing plants.
- (2) To provide for the prevention, treatment, cure, and extirpation of:
  - (A) fruit pests; and
  - (B) diseases of fruit, fruit trees, and fruit bearing plants.
- (3) To:
  - (A) provide for the purchase and maintenance of spraying machines, wagons, or other necessary apparatus to adequately spray fruit trees or other fruit bearing plants;
  - (B) hire workers and teams to perform the required labor; and
  - (C) incur the necessary expense to carry out the purposes of this chapter.
- (4) To hire experts to:
  - (A) inspect fruit trees and fruit bearing plants found within a horticultural and quarantine district; and
  - (B) prescribe the proper methods of treatment of diseases of fruit trees or fruit bearing plants.

(b) A horticultural and quarantine district shall be administered by a voluntary association that has three (3) elected directors.

*As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-2**

##### **Organizers; articles of association; contents; amendment**

Sec. 2. (a) At least ten (10) persons who are owners of land:

- (1) constituting a contiguous area; and
- (2) upon which are situated orchards, fruit trees, or other fruit bearing plants;

may establish a horticultural and quarantine district.

(b) The articles of association must be in writing and signed and acknowledged by each person who desires to become a member of the organization. The articles of association must specify the following:

- (1) The corporate name of the association.
- (2) The objectives of the association, generally.
- (3) The name and residence of each incorporating member.
- (4) The term of existence of the association. However, the term may not exceed ten (10) years.

(5) That three (3) directors shall manage the affairs of the association.

(c) An association may not have capital stock. The articles of association may be amended at any time by supplementary and amended articles:

(1) signed and acknowledged by a majority of the members of the association at the time of amendment; and

(2) recorded in the same manner as the original articles.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-3**

#### **Notice of election; information**

Sec. 3. (a) At least three (3) members of the association may give notice of an election of the board of directors of the association.

(b) The notice must contain the following information:

(1) The date and time of the election.

(2) The place where the election will be held. The election must be held at a place:

(A) convenient to voters; and

(B) located within or near the proposed horticultural and quarantine district.

(c) The notice must be:

(1) published in one (1) newspaper:

(A) in the county; and

(B) of general circulation among the members of the association; or

(2) delivered in person.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-4**

#### **Directors; election; term**

Sec. 4. (a) If a majority of the members of the association are present at the time and place specified in the notice described in section 3 of this chapter, the members shall elect, by ballot, three (3) directors from among the membership of the association.

(b) The directors shall immediately determine by lot the directors' initial terms of office, which are as follows:

(1) One (1) director shall serve a term of one (1) year.

(2) One (1) director shall serve a term of two (2) years.

(3) One (1) director shall serve a term of three (3) years.

(c) Except as provided in subsection (b), the term of a director is three (3) years. A director shall serve until a successor is elected and qualified.

(d) The directors shall call an annual meeting of the association members to elect a director. The directors shall provide notice of the meeting under section 3 of this chapter. The members shall meet at the time and place fixed by the directors.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-5**

#### **Directors; vacancy**

Sec. 5. If a vacancy occurs in the office of a director, the remaining directors shall fill the vacancy by appointing a temporary director. The temporary director shall be appointed from among the members of the association and shall hold office until the next annual election.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-6**

#### **Articles filing; corporate nature and powers; assessment; bylaws**

Sec. 6. (a) Before or after the election of directors, the association shall:

- (1) file the articles of association in the office of the secretary of state; and
- (2) record in the recorder's office of each county in which any part of the proposed horticultural and quarantine district is situated a duplicate copy of the articles of association.

(b) After the articles of association are filed and recorded, the association is a body politic and corporate, by the name and style adopted. The association has all the rights, powers, and privileges given to corporations to:

- (1) sue and be sued, plead and be pleaded, answer and be answered, in any court with jurisdiction;
- (2) borrow money and levy assessments upon the owners of lands, orchards, trees, and other fruit bearing plants situated in the district; and
- (3) rent, lease, purchase, hold, sell, and convey personal property as is necessary and proper for the purposes and objectives of the corporation.

(c) A majority of the members of the association may:

- (1) adopt bylaws for the government of the horticultural and quarantine district; and
- (2) make rules as may be necessary to carry the bylaws into force and effect.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-7**

#### **Boundaries; annexation; maximum size; consolidation**

Sec. 7. (a) The boundary of a horticultural and quarantine district shall coincide with a line enclosing the lands owned by the association members.

(b) A person who is the owner of lands contiguous to a horticultural and quarantine district is entitled to become a member of the association at any time by signing the articles of association.

(c) Horticultural and quarantine districts may be increased in size to not more than twenty (20) square miles of territory by annexing contiguous territory under this section.

(d) Contiguous horticultural and quarantine districts may be

consolidated if the combined area of the consolidating districts does not exceed twenty (20) square miles. The question of consolidation may be submitted to the members of the respective associations at a joint meeting called for that purpose. If a majority of members entitled to vote under section 8 of this chapter vote in favor of consolidation:

- (1) a new district comprised of the consolidating districts is formed; and
- (2) the articles of association of the new district shall be filed and recorded as prescribed in section 6 of this chapter.

(e) Directors of the new district may be chosen at the meeting called to determine the question of consolidation or at a subsequent meeting.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-8**

#### **Voting rights**

Sec. 8. All persons who have:

- (1) signed the articles of association; and
- (2) paid the assessments levied against them;

are entitled to vote at any meeting of the members of the association on any question that lawfully comes before the association. Each member is entitled to one (1) vote on any question.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-9**

#### **Officers; records**

Sec. 9. (a) The directors shall elect one (1) director to serve as president and one (1) director to serve as secretary.

(b) The secretary shall also serve as treasurer of the association and have custody of the the association's money. The secretary shall execute a bond, with good freehold surety, for double the amount of money that will probably be received by the secretary at any time during the secretary's term of office.

(c) The secretary shall:

- (1) keep a record of the transactions of the association, including:
  - (A) brief minutes of meetings;
  - (B) the results of elections; and
  - (C) an itemized account of all receipts and expenditures; and
- (2) present a report of the transactions of the association to the members of the association at the annual meeting.

*As added by P.L.2-2008, SEC.7.*

### **IC 15-16-6-10**

#### **Withdrawals from treasury**

Sec. 10. Money may be drawn from the treasury of an association only upon the order of a majority of the board of directors. A warrant must be:

- (1) signed by the president of the board of directors; and
  - (2) attested by the treasurer.
- As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-11**

##### **Special meetings; quorum**

Sec. 11. (a) A special meeting of the members of the association may be called at any time by:

- (1) a majority of the board of directors; or
- (2) five (5) members of the association.

(b) A majority of the members constitute a quorum to transact ordinary business not required by law to be transacted at the regular meeting prescribed by law.

*As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-12**

##### **Administration by directors; purposes; hiring experts**

Sec. 12. (a) The board of directors of any association shall administer the affairs of an association under this chapter for any or all the following purposes:

- (1) To prevent the spread of contagious diseases among fruit, fruit trees, and fruit bearing plants.
- (2) To provide for the prevention, treatment, cure, and extirpation of:
  - (A) fruit pests; and
  - (B) diseases of fruit and fruit bearing plants.
- (3) To:
  - (A) provide for the purchase and maintenance of spraying machines, wagons, or other necessary apparatus;
  - (B) adequately spray fruit trees or other fruit bearing plants;
  - (C) hire workers and teams to perform the required labor; and
  - (D) incur the necessary expense to carry out the purposes of this chapter.
- (4) To hire experts to:
  - (A) inspect fruit trees and fruit bearing plants found within the horticultural and quarantine district; and
  - (B) prescribe the proper methods of treating a disease of the trees or plants.
- (5) To periodically levy assessments on the members as necessary to administer this chapter and the purposes of the association.
- (6) To actively cooperate with the state entomologist and the county agents in precautionary measures to prevent the spread of injurious insects and plant diseases within the district.
- (7) To advise, direct, and encourage the activities of the association.

(b) If directed by a majority vote of the members at any special or regular meeting, the board of directors of an association may hire

experts to:

- (1) inspect fruit trees and fruit bearing plants; and
- (2) prescribe the proper methods of treating diseases of fruit trees or fruit bearing plants.

*As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-13**

##### **State entomologist; cooperation**

Sec. 13. The state entomologist shall:

- (1) cooperate with a horticultural or quarantine association in the state in efforts to prevent, locate, check, or eradicate injurious insects or fruit disease; and
- (2) periodically or upon request send all available information relating to injurious insects and plant diseases, including methods of detection and treatment, to the board of directors of a horticultural or quarantine association.

*As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-14**

##### **County agricultural extension educator ex officio state entomologist; cooperation**

Sec. 14. (a) In counties having a county agricultural extension educator, the county agricultural extension educator shall be an ex officio deputy state entomologist for the county and shall:

- (1) carry out the instructions of the state entomologist; and
- (2) under the direction of the state entomologist, cooperate with a local horticultural association or society in efforts to prevent, locate, check, or eradicate injurious insects or fruit diseases.

(b) A county agricultural extension educator may not receive additional compensation for performing the duties of the deputy state entomologist.

*As added by P.L.2-2008, SEC.7.*

#### **IC 15-16-6-15**

##### **Assessments for expenses**

Sec. 15. To raise money necessary to meet the expenses of horticultural and quarantine associations, the board of directors shall assess the individual members of the association in proportion to the service derived, procured, or obtained by the members from the association. The assessment must be based on the acreage or number of trees, plants, vines, or other herbaceous plants in equitable proportion as the directors consider just.

*As added by P.L.2-2008, SEC.7.*