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# HOUSE BILL No. 1574

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-12-1; IC 14-13-2.

**Synopsis:** Little Calumet River basin development commission. Requires the Little Calumet River basin development commission to levy a special assessment on tracts of land within certain areas of the Little Calumet River and Burns Waterway watershed. Provides that money collected may be used only for expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed. Deposits money collected by the assessment into a segregated account within the Little Calumet River project development fund. Provides that if the amount in the account exceeds \$12 million the assessment may not be collected for 12 months and until the amount in the segregated account is less than \$7 million. Repeals and moves definition of "political subdivision".

**Effective:** July 1, 2011.

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**Soliday, Dobis, Candelaria Reardon**

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January 20, 2011, read first time and referred to Committee on Natural Resources.

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First Regular Session 117th General Assembly (2011)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1574



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

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

1 SECTION 1. IC 14-8-2-208 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 208. "Political  
3 subdivision" has the following meaning:

- 4 (1) For purposes of IC 14-12-1 **and IC 14-13-2**, the meaning set  
5 forth in ~~IC 14-12-1-2~~ **IC 36-1-2-13**.
- 6 (2) For purposes of IC 14-20-1, the meaning set forth in  
7 IC 14-20-1-4.
- 8 (3) For purposes of IC 14-32-8, the meaning set forth in  
9 IC 14-32-8-2.

10 SECTION 2. IC 14-8-2-281.7 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2011]: **Sec. 281.7. "Tract", for purposes of**  
13 **IC 14-13-2, has the meaning set forth in IC 6-1.1-1-22.5.**

14 SECTION 3. IC 14-13-2-3.5 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2011]: **Sec. 3.5. As used in this chapter, "tract" has the meaning**  
17 **set forth in 6-1.1-1-22.5.**



1 SECTION 4. IC 14-13-2-3.8 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 3.8. As used in this chapter, "watershed" refers to the**  
4 **watershed of the Little Calumet River and Burns Waterway in**  
5 **Lake County as referenced by a map selected under section 18.4 of**  
6 **this chapter.**

7 SECTION 5. IC 14-13-2-4 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The general purposes  
9 of this chapter are to do the following:

- 10 (1) Promote the general health and welfare of citizens of Indiana.
- 11 (2) Provide for the creation, development, maintenance,
- 12 administration, ~~and~~ operation of park, recreation, marina, **levees,**
- 13 flood control and other public works projects.
- 14 (3) Create a commission with the authority to carry out the
- 15 purposes of this chapter.
- 16 (4) Create a commission capable of entering into and fulfilling the
- 17 requirements of a nonfederal interest (as defined by 42 U.S.C.
- 18 1962d-5b).

19 SECTION 6. IC 14-13-2-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Except as  
21 provided in subsection (b) **and section 18.5 of this chapter,** the  
22 commission may operate in the manner provided in this chapter only  
23 in the geographic area within and extending one (1) mile from the bank  
24 of the west arm of the Little Calumet River and Burns Waterway in  
25 Lake County and Porter County.

26 (b) The commission does not have the power of eminent domain for  
27 the construction of marina facilities north of U.S. Highway 12 or south  
28 of that point where the west arm of the Little Calumet River meets  
29 Burns Waterway. The commission's activities north of U.S. Highway  
30 12 and within and adjacent to Burns Waterway are restricted to those  
31 activities that the commission determines to be necessary for the  
32 following:

- 33 (1) Channeling and maintenance.
- 34 (2) Construction of breakwaters.

35 SECTION 7. IC 14-13-2-18.4 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2011]: **Sec. 18.4. The commission shall select**  
38 **a map to be used to determine the boundaries of the Little Calumet**  
39 **River and Burns Waterway watershed. The map must meet the**  
40 **following requirements:**

- 41 (1) **The map must be of sufficient detail to determine which**
- 42 **tracts are within the watershed.**

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1           **(2) The map must be produced by the United States**  
2           **Geological Survey or another federal or state governmental**  
3           **entity.**

4           SECTION 8. IC 14-13-2-18.5 IS ADDED TO THE INDIANA  
5           CODE AS A NEW SECTION TO READ AS FOLLOWS  
6           [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. (a) The area established**  
7           **under subsection (b) is a political subdivision authorized by the**  
8           **general assembly to enable the commission to provide special**  
9           **benefits to taxpayers in the area by promoting public safety and**  
10           **economic development that is of public use and benefit.**

11           **(b) Except as provided in subsection (d), the commission shall**  
12           **impose an annual special assessment against each tract of real**  
13           **property that is within the following geographic area:**

- 14           **(1) west of Interstate Highway 65; and**
- 15           **(2) within the watershed of the Little Calumet River and**  
16           **Burns Waterway in Lake County.**

17           **(c) The special assessment for each tract must be as follows:**

- 18           **(1) A residential tract of real property, twenty-five dollars**  
19           **(\$25).**
- 20           **(2) An agricultural tract of real property, fifty dollars (\$50).**
- 21           **(3) A commercial tract of real property, one hundred dollars**  
22           **(\$100).**
- 23           **(4) An industrial tract of real property, two hundred dollars**  
24           **(\$200).**

25           **(d) If on July 1 of a calendar year the balance in the segregated**  
26           **account within the fund exceeds twelve million dollars**  
27           **(\$12,000,000) the commission shall suspend collection of the special**  
28           **assessment:**

- 29           **(1) for at least twelve (12) months; and**
- 30           **(2) until the balance in the segregated account within the fund**  
31           **is less than seven million dollars (\$7,000,000).**

32           **(e) The commission shall certify the list of assessments to the**  
33           **auditor of each county in which there are tracts of real property**  
34           **subject to the special assessment.**

35           SECTION 9. IC 14-13-2-18.6 IS ADDED TO THE INDIANA  
36           CODE AS A NEW SECTION TO READ AS FOLLOWS  
37           [EFFECTIVE JULY 1, 2011]: **Sec. 18.6. (a) Each year, the county**  
38           **treasurer shall add to the property tax statements of a person**  
39           **owning the tract affected by a special assessment, designating it in**  
40           **a manner distinct from general taxes, the full annual assessment is**  
41           **due in the year the statement is sent.**

42           **(b) An assessment under this section shall be collected in the**

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1 same manner as other special assessments under IC 6-1.1, except  
 2 for the following:

3 (1) An assessment is not the personal obligation of the owner  
 4 of the tract affected by the assessment, and only the tract  
 5 actually affected by an assessment shall be sold for  
 6 delinquency.

7 (2) An annual assessment shall be paid in full on or before the  
 8 date the second installment of property taxes is due.

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

12 (d) The county auditor shall pay special assessments collected by  
 13 the county treasurer under this chapter to the commission.

14 (e) Special assessments collected under this chapter shall be  
 15 deposited into a segregated account within the fund. Money  
 16 collected under this section and deposited into the account:

17 (1) may be used only for expenses directly related to the  
 18 operation, repair, and maintenance of flood protection  
 19 systems within the watershed; and

20 (2) may not be transferred into other accounts within the  
 21 fund.

22 SECTION 10. IC 14-12-1-2 IS REPEALED [EFFECTIVE JULY 1,  
 23 2011].

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