

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1264 be amended to read as follows:

- 1 Page 2, line 29, delete "basin development" and insert
- 2 **"conservancy district"**.
- 3 Page 2, line 30, delete "commission".
- 4 Page 2, line 31, delete "IC 14-13-2-18.6." and insert **"IC**
- 5 **14-33-24-49."**.
- 6 Page 2, delete lines 32 through 41, begin a new paragraph and
- 7 insert:
- 8 "SECTION 2. IC 8-10-1-12, AS AMENDED BY P.L.98-2008,
- 9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2012]: Sec. 12. (a) A special and distinct revolving fund is
- 11 hereby created, to be known as the Indiana port fund. Expenditures
- 12 from said fund shall be made only for the following:
- 13 (1) Acquisition of land, including lands under water and riparian
- 14 rights, or options for the purchase of such land for a port or
- 15 project site, and incidental expenses incurred in connection with
- 16 such acquisition.
- 17 (2) Studies in connection with the port or project.
- 18 (3) Studies in connection with transportation by water, intermodal
- 19 transportation, and other modes of transportation.
- 20 (4) Transfers to the fund established by IC ~~14-13-2-19~~
- 21 **IC 14-33-24-42.5** to carry out the purposes of IC ~~14-13-2-~~
- 22 **IC 14-33-24.**
- 23 (5) Administrative expenses of the ports of Indiana.
- 24 The fund shall be held in the name of the ports of Indiana, shall be

1 administered by the ports of Indiana, and all expenditures therefrom
 2 shall be made by the ports of Indiana, subject, however, to the approval
 3 by governor and the budget committee of all expenditures of moneys
 4 advanced to said fund by the state of Indiana. Requests for such
 5 approval shall be made in such form as shall be prescribed by the
 6 budget committee, but expenditures for acquisition of land including
 7 lands under water and riparian rights, or options for the purchase of
 8 such land, shall be specifically requested and approved as to the land
 9 to be acquired and the amount to be expended. No transfers from said
 10 fund to any other fund of the state shall be made except pursuant to
 11 legislative action.

12 (b) Upon the sale of revenue bonds for any port or project, the funds
 13 expended from the Indiana port fund in connection with the
 14 development of such port or project and any obligation or expense
 15 incurred by the ports of Indiana for surveys, preparation of plans and
 16 specifications, and other engineering or other services in connection
 17 with development of such port or project shall be reimbursed to the
 18 state general fund from the proceeds of such bonds.

19 SECTION 3. IC 14-8-2-32 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. "Burns Waterway",
 21 for purposes of IC ~~14-13-2~~, **IC 14-33-24** has the meaning set forth in
 22 IC ~~14-13-2-1~~, **IC 14-33-24-2.5**.

23 SECTION 4. IC 14-8-2-48, AS AMENDED BY P.L.197-2011,
 24 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 48. (a) "Commission", except as provided in
 26 subsections (b) through ~~(r)~~, **(o)**, refers to the natural resources
 27 commission.

28 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
 29 forth in IC 14-13-1-1.

30 ~~(c)~~ "Commission", for purposes of IC ~~14-13-2~~, has the meaning set
 31 forth in IC ~~14-13-2-2~~.

32 ~~(d)~~ **(c)** "Commission", for purposes of IC 14-13-4, has the meaning
 33 set forth in IC 14-13-4-1.

34 ~~(e)~~ **(d)** "Commission", for purposes of IC 14-13-5, has the meaning
 35 set forth in IC 14-13-5-1.

36 ~~(f)~~ **(e)** "Commission", for purposes of IC 14-13-6, has the meaning
 37 set forth in IC 14-13-6-2.

38 ~~(g)~~ **(f)** "Commission", for purposes of IC 14-14-1, has the meaning
 39 set forth in IC 14-14-1-3.

40 ~~(h)~~ **(g)** "Commission", for purposes of IC 14-20-11, has the meaning
 41 set forth in IC 14-20-11-1.

42 ~~(i)~~ **(h)** "Commission", for purposes of IC 14-21-4, has the meaning
 43 set forth in IC 14-21-4-1.

44 ~~(j)~~ **(i)** "Commission", for purposes of IC 14-25-11, has the meaning
 45 set forth in IC 14-25-11-1.

46 ~~(k)~~ **(j)** "Commission", for purposes of IC 14-28-4, has the meaning

- 1 set forth in IC 14-28-4-1.
- 2 ~~(h)~~ **(k)** "Commission", for purposes of IC 14-30-1, has the meaning
- 3 set forth in IC 14-30-1-2.
- 4 ~~(m)~~ **(l)** "Commission", for purposes of IC 14-30-2, has the meaning
- 5 set forth in IC 14-30-2-2.
- 6 ~~(n)~~ **(m)** "Commission", for purposes of IC 14-30-3, has the meaning
- 7 set forth in IC 14-30-3-2.
- 8 ~~(o)~~ **(n)** "Commission", for purposes of IC 14-30-4, has the meaning
- 9 set forth in IC 14-30-4-2.
- 10 ~~(p)~~ **(o)** "Commission", for purposes of IC 14-33-20, has the meaning
- 11 set forth in IC 14-33-20-2.
- 12 SECTION 5. IC 14-8-2-107, AS AMENDED BY P.L.167-2011,
- 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2012]: Sec. 107. "Fund" has the following meaning:
- 15 (1) For purposes of IC 14-9-5, the meaning set forth in
- 16 IC 14-9-5-1.
- 17 (2) For purposes of IC 14-9-8-21, the meaning set forth in
- 18 IC 14-9-8-21.
- 19 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
- 20 IC 14-9-8-21.5.
- 21 (4) For purposes of IC 14-9-9, the meaning set forth in
- 22 IC 14-9-9-3.
- 23 (5) For purposes of IC 14-12-1, the meaning set forth in
- 24 IC 14-12-1-1.
- 25 (6) For purposes of IC 14-12-2, the meaning set forth in
- 26 IC 14-12-2-2.
- 27 (7) For purposes of IC 14-12-3, the meaning set forth in
- 28 IC 14-12-3-2.
- 29 (8) For purposes of IC 14-13-1, the meaning set forth in
- 30 IC 14-13-1-2.
- 31 (9) For purposes of IC ~~14-13-2~~, **IC 14-33-24**, the meaning set
- 32 forth in IC ~~14-13-2-3~~. **IC 14-33-24-2.9**.
- 33 (10) For purposes of IC 14-16-1, the meaning set forth in
- 34 IC 14-16-1-30.
- 35 (11) For purposes of IC 14-19-8, the meaning set forth in
- 36 IC 14-19-8-1.
- 37 (12) For purposes of IC 14-20-11, the meaning set forth in
- 38 IC 14-20-11-2.
- 39 (13) For purposes of IC 14-21-4, the meaning set forth in
- 40 IC 14-21-4-10.
- 41 (14) For purposes of IC 14-22-3, the meaning set forth in
- 42 IC 14-22-3-1.
- 43 (15) For purposes of IC 14-22-4, the meaning set forth in
- 44 IC 14-22-4-1.
- 45 (16) For purposes of IC 14-22-5, the meaning set forth in
- 46 IC 14-22-5-1.

- 1 (17) For purposes of IC 14-22-8, the meaning set forth in
2 IC 14-22-8-1.
- 3 (18) For purposes of IC 14-22-34, the meaning set forth in
4 IC 14-22-34-2.
- 5 (19) For purposes of IC 14-23-3, the meaning set forth in
6 IC 14-23-3-1.
- 7 (20) For purposes of IC 14-24-4.5, the meaning set forth in
8 IC 14-24-4.5-2(5).
- 9 (21) For purposes of IC 14-25-2-4, the meaning set forth in
10 IC 14-25-2-4.
- 11 (22) For purposes of IC 14-25-10, the meaning set forth in
12 IC 14-25-10-1.
- 13 (23) For purposes of IC 14-25-11-19, the meaning set forth in
14 IC 14-25-11-19.
- 15 (24) For purposes of IC 14-25.5, the meaning set forth in
16 IC 14-25.5-1-3.
- 17 (25) For purposes of IC 14-28-5, the meaning set forth in
18 IC 14-28-5-2.
- 19 (26) For purposes of IC 14-31-2, the meaning set forth in
20 IC 14-31-2-5.
- 21 (27) For purposes of IC 14-25-12, the meaning set forth in
22 IC 14-25-12-1.
- 23 (28) For purposes of IC 14-32-8, the meaning set forth in
24 IC 14-32-8-1.
- 25 (29) For purposes of IC 14-33-14, the meaning set forth in
26 IC 14-33-14-3.
- 27 (30) For purposes of IC 14-33-21, the meaning set forth in
28 IC 14-33-21-1.
- 29 (31) For purposes of IC 14-34-6-15, the meaning set forth in
30 IC 14-34-6-15.
- 31 (32) For purposes of IC 14-34-14, the meaning set forth in
32 IC 14-34-14-1.
- 33 (33) For purposes of IC 14-34-19-1.3, the meaning set forth in
34 IC 14-34-19-1.3(a).
- 35 (34) For purposes of IC 14-34-19-1.5, the meaning set forth in
36 IC 14-34-19-1.5(a).
- 37 (35) For purposes of IC 14-37-10, the meaning set forth in
38 IC 14-37-10-1.

39 SECTION 6. IC 14-8-2-112 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 112. (a) "Gate", for
41 purposes of IC 14-27-6, has the meaning set forth in IC 14-27-6-3.

42 (b) "Gate", for purposes of IC 14-33-24, has the meaning set
43 forth in IC 14-33-24-3.

44 SECTION 7. IC 14-8-2-150 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 150. (a) "Levee", for
46 purposes of IC 14-27-6, has the meaning set forth in IC 14-27-6-4.

1 **(b) "Levee", for purposes of IC 14-33-24, has the meaning set**
 2 **forth in IC 14-33-24-4.**

3 SECTION 8. IC 14-8-2-154 IS REPEALED [EFFECTIVE JULY 1,
 4 2012]. ~~Sec. 154. "Little Calumet River basin", for purposes of~~
 5 ~~IC 14-13-2-29, has the meaning set forth in IC 14-13-2-29.~~

6 SECTION 9. IC 14-8-2-227 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 227. **(a)** "Pumping
 8 station", for purposes of IC 14-27-6, has the meaning set forth in
 9 IC 14-27-6-5.

10 **(b) "Pumping station", for purposes of IC 14-33-24, has the**
 11 **meaning set forth in IC 14-33-24-5."**

12 Page 3, line 9, delete "IC 14-13-2," and insert "**IC 14-33-24**,".

13 Page 3, line 10, delete "IC 14-13-2-3.8." and insert
 14 "**IC 14-33-24-5.5**."

15 Page 3, delete lines 11 through 42, begin a new paragraph and
 16 insert:

17 "SECTION 6. IC 14-13-2 IS REPEALED [EFFECTIVE JULY 1,
 18 2012]. (Little Calumet River Basin Development Commission).

19 SECTION 7. IC 14-33-24 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]:

22 **Chapter 24. Little Calumet River Conservancy District**

23 **Sec. 1. This chapter applies to Lake County.**

24 **Sec. 2. As used in this chapter, "board" refers to the board of**
 25 **directors of the Little Calumet River conservancy district.**

26 **Sec. 2.5. As used in this chapter, "Burns Waterway" means the**
 27 **dredged channel in Porter County, Indiana, that connects the east**
 28 **and west arms of the Little Calumet River with Lake Michigan.**

29 **Sec. 2.7. As used in this chapter, "district" refers to the Little**
 30 **Calumet River conservancy district established under section 6 of**
 31 **this chapter.**

32 **Sec. 2.9. As used in this chapter, "fund" refers to the Little**
 33 **Calumet River project fund created by this chapter.**

34 **Sec. 3. As used in this chapter, "gate" means any opening in a**
 35 **levee that can be closed mechanically to prevent the flow of water**
 36 **through the levee.**

37 **Sec. 4. As used in this chapter, "levee" means any wall built**
 38 **along a stream to keep the stream from overflowing the banks.**

39 **Sec. 5. As used in this chapter, "pumping station" means any**
 40 **place equipped with pumps for the purpose of lifting water over a**
 41 **levee wall and into the stream.**

42 **Sec. 5.5. As used in this chapter, "watershed" refers to the**
 43 **watershed of the Little Calumet River and Burns Waterway in**
 44 **Lake County.**

45 **Sec. 6. Notwithstanding any other provision of this article, the**
 46 **county council may adopt an ordinance to establish a conservancy**

1 district for the purpose of acquiring land, rights-of-way, and
2 easements on which the board or the United States Army Corps of
3 Engineers can construct, improve, equip, maintain, control, lease,
4 and regulate levees to hold back flood waters either within or
5 without the district. The district has jurisdiction over a territory
6 coterminous with the watershed.

7 **Sec. 7.** The board of directors appointed under section 8 of this
8 chapter shall exercise the executive and legislative powers of the
9 district as provided by this chapter.

10 **Sec. 8. (a)** The board consists of three (3) members as follows:

11 (1) Two (2) members shall be appointed by the county council.

12 (2) One (1) member shall be appointed by the board of
13 commissioners of the county.

14 (b) The two (2) members appointed by the county council may
15 not be members of the same political party.

16 **Sec. 9.** To be eligible to be appointed as a member of the board,
17 an individual must be at least eighteen (18) years of age and a
18 resident of the county.

19 **Sec. 10.** As soon as possible after the adoption of an ordinance
20 for the creation of a district, the members of the board shall be
21 appointed as provided in section 8 of this chapter. The members
22 shall meet on the day of the first meeting of the board and organize
23 as the board.

24 **Sec. 11.** The first members of the board shall be appointed as
25 follows:

26 (1) One (1) member appointed for the term of one (1) year by
27 the county council.

28 (2) One (1) member appointed for the term of two (2) years by
29 the county council.

30 (3) One (1) member appointed for the term of three (3) years
31 by the board of commissioners of the county.

32 **Sec. 12.** A vacancy on the board shall be filled by the appointing
33 authority of the member who vacated the board.

34 **Sec. 13. (a)** Except as otherwise provided in this chapter, a
35 member of the board serves for a term of three (3) years:

36 (1) beginning at noon on the day of the first meeting of the
37 board; and

38 (2) continuing until a successor has qualified for the office.

39 (b) A member of the board is eligible for reappointment to
40 successive terms.

41 (c) A member of the board may be impeached under the
42 procedure provided for the impeachment of county officers.

43 **Sec. 14. (a)** A member of the board is ineligible to hold an
44 appointive office or employment for the district.

45 (b) A member of the board may not be or become personally
46 interested in a contract with or claim against the district.

47 **Sec. 15. (a)** Each member of the board is entitled to

1 reimbursement for traveling and other expenses equal to the
2 amounts provided in the state travel policies and procedures
3 established by the Indiana department of administration and
4 approved by the budget agency.

5 (b) Each member of the board is entitled to a minimum salary
6 per diem equal to the amount provided under IC 4-10-11-2.1(b).

7 Sec. 16. The board shall, at the board's first regular meeting to
8 be conducted on the first July 1 or January 1 following
9 appointment of the members and annually thereafter, elect the
10 following officers:

11 (1) One (1) of the members as president.

12 (2) Another of the members as vice president, who shall
13 perform the duties of the president during the absence or
14 disability of the president.

15 Sec. 17. The board shall have a suitable office where the board's
16 maps, plans, documents, records, and accounts shall be kept,
17 subject to public inspection at all reasonable times.

18 Sec. 18. (a) The board shall by rule provide for regular meetings
19 to be held not less than at semimonthly intervals throughout the
20 year. The board shall keep meetings open to the public.

21 (b) The board shall convene a special meeting when a special
22 meeting is called. The president or a majority of the members of
23 the board may call a special meeting. The board shall do the
24 following:

25 (1) Establish by rule a procedure for calling special meetings.

26 (2) Give notice of a special meeting that is open to the public
27 by publication one (1) time, not less than twenty-four (24)
28 hours before the time of the meeting, in each of two (2) daily
29 newspapers of general circulation in the district.

30 Sec. 19. A majority of the members of the board constitutes a
31 quorum for a meeting. The board may act officially by an
32 affirmative vote of a majority of the members present at the
33 meeting at which the action is taken.

34 Sec. 20. The board shall keep a written record of the board's
35 proceedings. The record must be available for public inspection in
36 the office of the board. The board shall record in the record the
37 affirmative and negative vote on the passage of each item of
38 business.

39 Sec. 21. The board shall adopt a system of rules of procedure
40 under which the board's meetings are to be held. The board may
41 suspend the rules of procedure by unanimous vote of the members
42 of the board who are present at the meeting. The board may not
43 suspend the rules of procedure beyond the duration of the meeting
44 at which the suspension of rules occurs.

45 Sec. 22. The board may supervise the board's internal affairs in
46 the same manner as other municipal corporations.

47 Sec. 23. (a) A member of the board may introduce a proposed

1 draft of an ordinance at a meeting of the board. A person who
 2 introduces a proposed draft of an ordinance shall provide to the
 3 board at the time of introduction a written copy of the proposed
 4 draft.

5 (b) The board shall assign to each proposed draft of an
 6 ordinance a distinguishing number and the date when introduced.

7 Sec. 24. (a) Not:

8 (1) more than seven (7) days after the introduction of a
 9 proposed draft of an ordinance; and

10 (2) less than seven (7) days before the final passage of a
 11 proposed draft of an ordinance;

12 the board shall publish a notice that the proposed ordinance is
 13 pending final action by the board. The notice shall be published one
 14 (1) time in each of two (2) daily newspapers that have a general
 15 circulation in the district. Notice of an ordinance establishing a
 16 budget must be in accordance with the general law relating to
 17 budgets of counties.

18 (b) The board shall do the following:

19 (1) Include in the notice the following:

20 (A) Reference to the subject matter of the proposed
 21 ordinance.

22 (B) The time and place a hearing will be held on the
 23 proposed ordinance.

24 (C) A statement that the proposed draft of an ordinance is
 25 available for public inspection at the office of the board.

26 (2) Not later than the date of notice of the introduction of a
 27 proposed ordinance, place five (5) copies of the proposed draft
 28 on file in the office of the board for public inspection.

29 (c) The board may include in one (1) notice a reference to the
 30 subject matter of each draft of an ordinance that is pending and for
 31 which notice has not already been given.

32 (d) An ordinance is not invalid because the reference to the
 33 subject matter of the draft of an ordinance was inadequate, if the
 34 reference was sufficient to advise the public of the general subject
 35 matter of the proposed ordinance.

36 Sec. 25. At a meeting for which notice has been given as
 37 required by section 24 of this chapter, the board may:

38 (1) take final action on the proposed ordinance; or

39 (2) postpone final consideration to a designated meeting in the
 40 future without giving additional notice.

41 Sec. 26. The board may adopt a draft of an ordinance only at a
 42 meeting that is open to the public. Before adopting an ordinance,
 43 the board shall give an opportunity to a person present at the
 44 meeting to give testimony, evidence, or argument for or against the
 45 proposed ordinance in person or by counsel under rules that the
 46 board adopts concerning the number of persons who may be heard
 47 and time limits.

1 **Sec. 27. Whenever the board adopts an ordinance, the board**
2 **shall at the same meeting designate the effective date of the**
3 **ordinance. If the board fails to designate the effective date of the**
4 **ordinance in the record of the proceedings of the board, the**
5 **ordinance takes effect fourteen (14) days after passage.**

6 **Sec. 28. (a) The board shall have copies of each ordinance made**
7 **available to the public.**

8 **(b) The board may provide for the printing of any of the**
9 **ordinances of the district in pamphlet form or in bound volumes.**

10 **The board may:**

- 11 **(1) distribute the pamphlets or volumes without charge; or**
- 12 **(2) charge the cost of printing and distribution.**

13 **Sec. 29. (a) The board may perform all acts necessary or**
14 **reasonably incident to carrying out the purposes of this chapter,**
15 **including the following powers:**

16 **(1) To sue and be sued collectively by the legal name "Little**
17 **Calumet River conservancy district", with service of process**
18 **being had on the president of the board. However, costs may**
19 **not be taxed against the board or any of the board's members**
20 **in an action.**

21 **(2) To have exclusive jurisdiction over flood control within the**
22 **watershed.**

23 **(3) To adopt ordinances to protect all property owned or**
24 **managed by the district.**

25 **(4) To adopt an annual budget.**

26 **(5) To incur indebtedness in the name of the district in**
27 **accordance with this chapter.**

28 **(6) To:**

29 **(A) acquire real, personal, or mixed property by deed,**
30 **purchase, lease, condemnation, or otherwise; and**

31 **(B) dispose of the property;**

32 **for flood control purposes.**

33 **(7) To do the following:**

34 **(A) Receive gifts, donations, bequests, and public trusts.**

35 **(B) Agree to accompanying conditions and terms and bind**
36 **the district to carry out the terms and conditions.**

37 **(8) To determine matters of policy regarding internal**
38 **organization and operating procedures not specifically**
39 **provided for otherwise.**

40 **(9) In addition to all other powers conferred by this chapter**
41 **and IC 14-27-3, to do the following:**

42 **(A) Cooperate with an officer or agency of the federal**
43 **government in the performance of any of the work**
44 **authorized by this chapter.**

45 **(B) Accept labor, material, or financial assistance.**

46 **(C) Do all things not inconsistent with this chapter**
47 **necessary to satisfy the requirements of the federal**

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authorities for the purpose of obtaining aid from the federal government.

(10) To purchase supplies, materials, and equipment to carry out the duties and functions of the district in accordance with procedures adopted by the board and in accordance with general law.

(11) To employ personnel as necessary to carry out the duties, functions, and powers of the district.

(12) To sell surplus or unneeded property in accordance with procedures prescribed by the board.

- (13) To adopt administrative rules to do the following:
 - (A) Carry out the board's powers and duties.
 - (B) Govern the duties of the districts's officers, employees, and personnel.
 - (C) Govern the internal management of the affairs of the district.

The board shall publish all rules adopted by the board for at least ten (10) days in a newspaper of general circulation printed in the district.

(14) To fix the salaries or compensation of the employees of the district.

(15) To carry out the purposes and objects of the district.

(16) To adopt and use a seal.

- (17) To:
 - (A) acquire land, easements, and rights-of-way; and
 - (B) establish, construct, improve, equip, maintain, control, lease, and regulate levees and the land owned adjacent to the levees within the watershed;

for flood prevention purposes. However, if at the time of the creation of the district a political subdivision owns or controls a levee, upon the qualification of the members of the board the exclusive control, management, and authority over each levee owned or controlled by a political subdivision shall be transferred to the board without the passage of an ordinance. The board of public works of the political subdivision or other persons having possession or control of a levee shall immediately deliver to the board all personal property and records, books, maps, and other papers and documents relating to the levee.

- (18) To:
 - (A) elect a secretary from the board's membership; or
 - (B) employ a secretary;
 and fix the compensation of the secretary.

- (19) To do the following:
 - (A) Employ managers, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all other employees the board considers expedient. All employees

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- shall be selected and appointed irrespective of political affiliations.
- (B) Prescribe and assign the duties and authority of the employees.
- (C) Require a bond on any officer or employee of the district in the amount, upon the terms and conditions, and with surety to the approval of the board.
- (20) To adopt rules not in conflict with:
 - (A) Indiana law;
 - (B) the ordinances of the county; or
 - (C) the laws or regulations of the United States and the United States Corps of Army Engineers;
 regulating the construction, maintenance, and control of the district's levees and other property under the district's control.
- (21) To permit the federal government to do the following:
 - (A) Construct or repair, on land or rights-of-way owned by the district, levees, dikes, breakwaters, pumping stations, syphons, and flood gates.
 - (B) Construct or repair sewers, ditches, drains, diversion channels, and watercourses if necessary in the actual construction, repair, and maintenance of a levee and along land or rights-of-way owned by the district.
- (22) To do the following:
 - (A) Construct, maintain, and repair levees, dikes, breakwaters, pumping stations, and flood gates.
 - (B) Construct or repair sewers, ditches, drains, diversion channels, and watercourses if necessary in the actual construction, repair, and maintenance of a levee.
- (23) To sell machinery, equipment, or material under the control of the district that the board determines is not required for levee purposes. The proceeds derived from the sale shall be deposited in the fund.
- (24) To negotiate and execute:
 - (A) contracts of sale or purchase;
 - (B) leases;
 - (C) contracts for personal services, materials, supplies, or equipment; or
 - (D) any other transaction, business or otherwise;
 relating to a levee under the district's control and operation. However, if the board determines to sell part or all of levee land, buildings, or improvements owned by the district, the sale must be in accordance with statute. If personal property under the control of the district valued in excess of five hundred dollars (\$500) is to be sold, the board shall sell to the highest and best bidder after due publication of notice of the sale.

- 1 **(25) To contract with other political subdivisions and state**
- 2 **agencies under IC 36-1-7 for:**
- 3 **(A) the provision of services;**
- 4 **(B) the rental or use of equipment or facilities; or**
- 5 **(C) the joint purchase and use of equipment or facilities;**
- 6 **considered proper by the contracting parties for use in the**
- 7 **operation, maintenance, or construction of a levee operated**
- 8 **under this chapter.**
- 9 **(b) The board shall assume:**
- 10 **(1) the obligation to repay amounts loaned for flood control**
- 11 **purposes to the Little Calumet river basin development**
- 12 **commission by the northwest Indiana regional development**
- 13 **authority; and**
- 14 **(2) repay the amounts in accordance with the schedule set**
- 15 **forth in section 49 of this chapter.**
- 16 **(c) The board shall assume the flood control duties belonging to**
- 17 **the Little Calumet river basin development commission.**
- 18 **Sec. 30. (a) Except as provided in subsection (b), in the letting of**
- 19 **a contract for the repair or equipment of a levee under the control**
- 20 **of the district, the board shall, when:**
- 21 **(1) adopting plans;**
- 22 **(2) giving notice; and**
- 23 **(3) receiving bids;**
- 24 **comply with statutes.**
- 25 **(b) If:**
- 26 **(1) an emergency arises involving the safety of human life due**
- 27 **to accident or act of God; and**
- 28 **(2) the board declares the emergency;**
- 29 **the board may purchase necessary equipment and appliances**
- 30 **without advertising for bids.**
- 31 **Sec. 31. The board may take action the board considers proper**
- 32 **to do the following:**
- 33 **(1) Recover damages for the following:**
- 34 **(A) The breach of an agreement, express or implied,**
- 35 **relating to or growing out of the operation, control,**
- 36 **leasing, management, or improvement of the property**
- 37 **under the districts's control.**
- 38 **(B) The penalties for the violation of an ordinance or a rule**
- 39 **of the board.**
- 40 **(C) Injury to the personal or real property under the**
- 41 **districts's control.**
- 42 **(2) Recover possession of property under the district's**
- 43 **control.**
- 44 **Sec. 32. (a) The board may do the following:**
- 45 **(1) Exercise the power of eminent domain for the purpose of**
- 46 **carrying out this chapter.**
- 47 **(2) Award damages to landowners for real property and**

1 **property rights appropriated and taken.**
2 **(b) If the board cannot agree with the owner, lessee, or occupant**
3 **of real property selected by the board for the purpose set forth in**
4 **this chapter, the board may proceed to procure the condemnation**
5 **of the property as provided in this chapter.**
6 **(c) If not in conflict or inconsistent with this chapter, the board**
7 **may also proceed under IC 32-24. IC 32-24 applies to levees under**
8 **this chapter as far as IC 32-24 is not in conflict or inconsistent with**
9 **this chapter.**
10 **Sec. 33. (a) This section applies to land or the surface of the**
11 **ground:**
12 **(1) on, over, and across which it is necessary or advisable to**
13 **construct a levee as provided in this chapter; and**
14 **(2) that:**
15 **(A) is already in use for any other public purpose; or**
16 **(B) has been condemned or appropriated for a use**
17 **authorized by statute and is being used for that purpose by**
18 **the corporation appropriating the land or surface of the**
19 **ground.**
20 **(b) The public use or prior condemnation does not bar the right**
21 **of the board to condemn the use of the ground for levee purposes.**
22 **(c) The use by the board does not permanently prevent the use**
23 **of the land or the surface of the ground:**
24 **(1) for the prior public use; or**
25 **(2) by the corporation previously condemning or**
26 **appropriating the land or surface of the ground.**
27 **(d) In a proceeding prosecuted by the board to condemn the use**
28 **of land or the surface of ground for purposes permitted by this**
29 **chapter, the board must show that the district's use will not**
30 **permanently or seriously interfere with:**
31 **(1) the continued public use of the land or surface of the**
32 **ground; or**
33 **(2) the corporation previously condemning the land or surface**
34 **or the corporation's successors.**
35 **However, in a proceeding the board may require and enforce the**
36 **removal or the burying beneath the surface of the ground of wires,**
37 **cables, power lines, or other structures within a restricted zone**
38 **established as provided in this chapter.**
39 **Sec. 34. (a) In a proceeding prosecuted by the board to condemn**
40 **or appropriate:**
41 **(1) land;**
42 **(2) the use of land; or**
43 **(3) a right in land;**
44 **for purposes permitted by this chapter, the board and all owners**
45 **and holders of property or rights in property sought to be taken**
46 **are governed by and have the same rights concerning procedure,**
47 **notices, hearings, assessments of benefits and awards, and**

1 payments of benefits and awards that are prescribed by law for the
2 appropriation and condemnation of real property.

3 (b) The property owners have the same powers and rights to:
4 (1) remonstrate; and
5 (2) appeal;
6 to the circuit or superior courts with jurisdiction in the county in
7 which the property is located that are provided by law for the
8 appropriation and condemnation of real property.

9 (c) An appeal:
10 (1) only affects the amount of the assessment of awards of the
11 person appealing; and
12 (2) shall be taken in conformity with the laws relating to
13 appeals. However, the payment of all damages awarded for
14 land, property, or interests or rights in property appropriated
15 under this chapter shall be paid entirely out of money under
16 the control of the board.

17 Sec. 35. (a) Notwithstanding this or any other statute, the
18 district may take possession of property to be acquired at any time
19 after the filing of the petition describing the property in
20 condemnation proceedings.

21 (b) The district may abandon the condemnation of property if
22 possession of the property has not been taken.

23 (c) The district may acquire and use land reasonably necessary
24 for the purposes of this chapter. However:
25 (1) the district may not acquire or use land that is still being
26 used and is absolutely necessary for the purposes for which
27 the land was previously condemned; and
28 (2) this chapter does not permit the acquisition or use by the
29 district of land previously acquired by condemnation that is
30 being used for the purpose for which the land was acquired if
31 the use by the district would impair or interfere with the
32 necessary use of the land by the owner of the land.

33 Sec. 36. Within sixty (60) days after land or interests in land is
34 acquired or taken under this chapter, the board shall file and cause
35 to be recorded in the recorder's office of the county in which the
36 land is situated the following, which a majority of the board shall
37 sign:
38 (1) A description of the land or interest in land sufficiently
39 accurate for identification.
40 (2) A statement of the purpose for which the land or interest
41 in land is required or taken.

42 Sec. 37. (a) The board may issue bonds of the district for the
43 purpose of procuring money to pay the cost of:
44 (1) acquiring real property or rights-of-way; or
45 (2) constructing, enlarging, improving, remodeling, repairing,
46 or equipping levees, gates, and pumping stations and sewers,
47 ditches, and drains in connection with that construction or

- 1 maintenance or other facilities;
- 2 for use as or in connection with or for administrative purposes of
- 3 the levee.
- 4 (b) The board must authorize the issuance of bonds by
- 5 ordinance providing for the following:
- 6 (1) The amount, terms, and tenor of the bonds.
- 7 (2) The time and character of notice.
- 8 (3) The mode of selling the bonds.
- 9 (c) The bonds:
- 10 (1) may be repaid from special assessments imposed under
- 11 section 48 of this chapter or any other revenues available to
- 12 the district;
- 13 (2) may bear interest at any rate;
- 14 (3) are payable in not more than twenty-five (25) years after
- 15 the date of issuance; and
- 16 (4) shall be:
- 17 (A) executed in the name of the district by the president of
- 18 the board; and
- 19 (B) attested by the secretary and treasurer who shall affix
- 20 to each of the bonds the official seal of the district.
- 21 (d) The interest coupons attached to the bonds may be executed
- 22 by placing on the coupons the facsimile signature of the president
- 23 of the board.
- 24 Sec. 38. (a) The board shall manage and supervise the
- 25 preparation, advertisement, and sale of the bonds, subject to the
- 26 authorizing ordinance. Before the sale of the bonds, the board shall
- 27 have notice of the sale published one (1) time each week for two (2)
- 28 consecutive weeks in two (2) newspapers of general circulation
- 29 published in the district. The notice must state the following:
- 30 (1) The time and place where bids will be received.
- 31 (2) The amount and maturity dates of the issue.
- 32 (3) The maximum interest rate.
- 33 (4) The terms and conditions of sale and delivery of the bonds.
- 34 (b) The bonds shall be sold to the highest and best bidder. After
- 35 the bonds have been properly sold and executed, the board shall do
- 36 the following:
- 37 (1) Deliver the bonds to the treasurer of the district and take
- 38 a receipt for the bonds.
- 39 (2) Certify to the treasurer the amount that the purchaser is
- 40 to pay for the bonds, together with the name and address of
- 41 the purchaser.
- 42 (c) On payment of the purchase price the treasurer shall deliver
- 43 the bonds to the purchaser, and the treasurer and superintendent
- 44 shall report their actions under this section to the board.
- 45 Sec. 39. The provisions of IC 5-1 and IC 6-1.1-20 do not apply
- 46 to proceedings under this chapter.
- 47 Sec. 40. The bonds issued under this chapter are exempt from

1 **taxation for all purposes.**

2 **Sec. 41. (a) The board may authorize and make temporary loans**

3 **in anticipation of the collection of special assessments imposed**

4 **under section 48 of this chapter in the course of collection for the**

5 **fiscal year in which the loans are made.**

6 **(b) The board must authorize the loans by ordinance and shall**

7 **evidence the loans by warrants in the form provided by the**

8 **authorizing ordinance. The warrants must state the following:**

9 **(1) The total amount of the issue.**

10 **(2) The denomination of the warrant.**

11 **(3) The time and place payable.**

12 **(4) The rate of interest.**

13 **(5) The revenues in anticipation of which the warrants are**

14 **issued and out of which the warrants are payable.**

15 **(6) A reference to the ordinance authorizing the warrants and**

16 **the date of passage of the ordinance.**

17 **(c) The ordinance authorizing the temporary loans must**

18 **appropriate and pledge sufficient amounts of the current revenues**

19 **in anticipation of which the warrants are issued and out of which**

20 **the warrants are payable to the payment of the warrants. The**

21 **warrants evidencing the temporary loans shall be executed, sold,**

22 **and delivered in the same manner as are bonds of the district.**

23 **Sec. 42. (a) The board shall appoint a person to act as treasurer**

24 **of the district. The treasurer shall give bond in the amount and**

25 **with the condition that the board prescribes and with surety to the**

26 **approval of the board. The treasurer shall be appointed to serve**

27 **for a term of one (1) year unless removed for cause.**

28 **(b) All money payable to the district shall be paid to the**

29 **treasurer, and the treasurer shall deposit the money in the fund in**

30 **accordance with the statutes relating to the deposit of public money**

31 **by municipal corporations. The treasurer shall keep an accurate**

32 **account of the following:**

33 **(1) All appropriations made and all special assessments by the**

34 **board.**

35 **(2) All money owing or due to the district.**

36 **(3) All money received and disbursed.**

37 **(c) The treasurer shall preserve all vouchers for payments and**

38 **disbursements made.**

39 **(d) The treasurer shall issue all warrants for the payment of**

40 **money from the money of the district, but a warrant may not be**

41 **issued for the payment of a claim until the claim has been allowed**

42 **in accordance with the procedure prescribed by the board. The**

43 **president shall countersign all warrants. Whenever the treasurer**

44 **is called upon to issue a warrant, the treasurer may do the**

45 **following:**

46 **(1) Require evidence that the amount claimed is justly due**

47 **and in conformity with law.**

- 1 **(2) For that purpose:**
- 2 **(A) summon before the treasurer, an officer, agent, or**
- 3 **employee of the district or other person; and**
- 4 **(B) examine the individual concerning the warrant on oath**
- 5 **or affirmation that the treasurer may administer.**
- 6 **Sec. 42.5. (a) The Little Calumet River project fund is created.**
- 7 **The board shall make expenditures from the fund only to**
- 8 **accomplish the purposes of this chapter. The treasurer of the**
- 9 **district shall administer the fund.**
- 10 **(b) The money in the fund at the end of a fiscal year remains in**
- 11 **the fund and does not revert to any other fund.**
- 12 **Sec. 43. The treasurer shall submit to the board annually, and**
- 13 **more often if required by the board, a report of the accounts**
- 14 **exhibiting the following:**
- 15 **(1) The revenues, receipts, and disbursements.**
- 16 **(2) The sources from which the revenues and money are**
- 17 **derived.**
- 18 **(3) The manner in which the money has been disbursed.**
- 19 **Sec. 44. The treasurer shall submit annually, and more often if**
- 20 **required by the board, the records of accounts to a certified public**
- 21 **accountant or firm of certified public accountants designated or**
- 22 **selected by the board for audit. The accountant or firm shall**
- 23 **prepare and submit a certified report of the records of accounts to**
- 24 **the board exhibiting the following:**
- 25 **(1) The revenues, receipts, and disbursements.**
- 26 **(2) The sources from which the revenues and money are**
- 27 **derived.**
- 28 **(3) The manner in which the money has been disbursed.**
- 29 **Sec. 45. The board shall annually prepare a budget for the**
- 30 **operation and capital expenditures of the district.**
- 31 **Sec. 46. The board shall act as a board of finance under the**
- 32 **statutes relating to the deposit of public money by municipal**
- 33 **corporations.**
- 34 **Sec. 47. The acquiring, establishment, construction,**
- 35 **improvement, equipment, maintenance, control, and operation of**
- 36 **levees under this chapter are declared to be:**
- 37 **(1) a governmental function of general public necessity and**
- 38 **benefit; and**
- 39 **(2) for the use and general welfare of all the people of Indiana**
- 40 **as well as of the people residing in the district.**
- 41 **Sec. 48. (a) The board shall impose an annual special assessment**
- 42 **against each taxable parcel of real property that is within the**
- 43 **watershed.**
- 44 **(b) The special assessment for each taxable parcel must be as**
- 45 **follows:**
- 46 **(1) For a residential parcel of real property, forty-five dollars**
- 47 **(\$45).**

- 1 (2) For an agricultural parcel of real property, ninety dollars
- 2 (\$90).
- 3 (3) For a commercial parcel of real property, one hundred
- 4 eighty dollars (\$180).
- 5 (4) For an industrial or public utility parcel of real property,
- 6 three hundred sixty dollars (\$360).

7 (c) The board shall certify the list of assessments to the auditor
8 of Lake County.

9 **Sec. 49. (a)** Each year, the county treasurer shall add to the
10 property tax statements of a person owning the taxable parcel
11 affected by a special assessment imposed under section 48 of this
12 chapter, designating the special assessment in a manner distinct
13 from general taxes, and indicating that the full annual assessment
14 is due in the year the statement is sent.

15 (b) An assessment imposed under section 48 of this chapter shall
16 be collected in the same manner as other special assessments are
17 collected under IC 6-1.1, except for the following:

- 18 (1) An assessment is not the personal obligation of the owner
19 of the taxable parcel affected by the assessment, and only the
20 taxable parcel actually affected by an assessment shall be sold
21 for delinquency.
- 22 (2) An annual assessment shall be paid in full on or before the
23 date the first installment of property taxes is due.

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

27 (d) The county auditor shall pay special assessments collected by
28 the county treasurer under this section to the board.

29 (e) Special assessments collected under this section shall be
30 deposited into a segregated account within the fund. Special
31 assessments deposited into the account may not be transferred into
32 other accounts within the fund. Money in the account may be used
33 only for the following purposes:

- 34 (1) To pay expenses directly related to the acquisition,
35 construction, or improvement of real property, a facility, a
36 betterment, or an improvement constituting part of a project
37 of the district, including acquisition of the site for a project.
- 38 (2) To pay expenses directly related to the operation, repair,
39 and maintenance of flood protection systems within the
40 district.
- 41 (3) To repay bonds issued for the purposes described in
42 subdivision (1).
- 43 (4) To make the transfers required by subsection (f).

44 (f) Subject to subsection (g), the board shall transfer money
45 from the segregated account referred to in subsection (e) to the
46 northwest Indiana regional development authority established by
47 IC 36-7.5-2-1 as follows:

- 1 **(1) Two million four hundred thirty thousand dollars**
- 2 **(\$2,430,000) on July 1, 2013.**
- 3 **(2) One million four hundred sixty thousand dollars**
- 4 **(\$1,460,000) on July 1, 2014.**
- 5 **(3) Nine hundred twenty thousand dollars (\$920,000) on July**
- 6 **1, 2015.**
- 7 **(4) Six hundred ninety thousand dollars (\$690,000) on July 1,**
- 8 **2016.**
- 9 **(5) Five hundred thousand dollars (\$500,000) on July 1, 2017.**
- 10 **(g) The board may postpone or reduce the amount of a transfer**
- 11 **required by subsection (f) by adopting a resolution, with at least**
- 12 **two-thirds (2/3) of the members voting in the affirmative, declaring**
- 13 **that an emergency exists. For purposes of this subsection, an**
- 14 **emergency may include the following:**
- 15 **(1) A determination that the amount of assessments paid**
- 16 **before July 1, 2013, is insufficient to make the transfer**
- 17 **required under subsection (f)(1) on July 1, 2013.**
- 18 **(2) A demand from the Army Corps of Engineers for payment**
- 19 **in an amount that would prevent the commission from**
- 20 **complying with the transfer schedule set forth in subsection**
- 21 **(f).**
- 22 **SECTION 8. [EFFECTIVE JULY 1, 2012]: (a) This SECTION**
- 23 **applies to Lake County.**
- 24 **(b) As used in this SECTION, "commission" means the Little**
- 25 **Calumet River basin development commission established under**
- 26 **IC 14-13-2 (before its repeal by this act).**
- 27 **(c) As used in this SECTION, "district" means the Little**
- 28 **Calumet River conservancy district established by IC 14-33-24-6,**
- 29 **as added by this act.**
- 30 **(d) The flood control duties of the commission are transferred**
- 31 **to the district.**
- 32 **(e) Notwithstanding any other law, the liabilities, property,**
- 33 **records, and other assets that belong to the commission are**
- 34 **transferred to the district on the first day of the month that**
- 35 **immediately follows the month in which the board of directors of**
- 36 **the district is organized.**

- 1 **(f) This SECTION expires January 1, 2013."**
- 2 Delete pages 4 through 11.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1264 as printed January 23, 2012.)

Representative Smith V