
HOUSE BILL No. 1264

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-13-2.

Synopsis: Flood control in Lake County. Expands the Little Calumet River basin development commission (LCRBDC) from five members to nine members. Requires the LCRBDC to levy a special assessment on parcels of land within the Little Calumet River and Burns Waterway watershed in Lake County. 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. Provides that money collected through the assessment shall be deposited into a segregated account within the Little Calumet River project development fund. Provides for the repayment of money to the Northwest Indiana Regional Redevelopment Authority. Requires the LCRBDC to meet at least four times per year and to submit annual reports to the board of county commissioners of Lake County. Establishes the Little Calumet River basin project advisory board.

Effective: July 1, 2012.

Soliday, Candelaria Reardon, Dobis

January 9, 2012, read first time and referred to Committee on Natural Resources.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1264



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, AS AMENDED BY P.L.167-2011,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 208. "Political subdivision" has the following
4 meaning:

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

11 SECTION 2. IC 14-8-2-310 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 310. **(a)** "Watershed",
13 for purposes of IC 14-25 through IC 14-29, means an area:

- 14 (1) from which water drains to a common point; and
- 15 (2) for:
 - 16 (A) a watercourse, that is measured to the mouth of the
 - 17 watercourse; and



1 (B) any part of a watercourse, that is measured to the farthest
2 downstream point in question.

3 (b) For purposes of IC 14-13-2, "watershed" has the meaning
4 set forth in IC 14-13-2-3.8.

5 SECTION 3. IC 14-13-2-3.8 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2012]: Sec. 3.8. As used in this chapter, "watershed" refers to the
8 watershed of the Little Calumet River and Burns Waterway in
9 Lake County.

10 SECTION 4. IC 14-13-2-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The general purposes
12 of this chapter are to do the following:

- 13 (1) Promote the general health and welfare of citizens of Indiana.
- 14 (2) Provide for the creation, development, maintenance,
15 administration, and operation of park, recreation, marina, flood
16 control and other public works projects, **including levees.**
- 17 (3) Create a commission with the authority to carry out the
18 purposes of this chapter.
- 19 (4) Create a commission capable of entering into and fulfilling the
20 requirements of a nonfederal interest (as defined by 42 U.S.C.
21 1962d-5b).

22 SECTION 5. IC 14-13-2-6 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as
24 provided in subsection (b) **and section 18.5 of this chapter**, the
25 commission may operate in the manner provided in this chapter only
26 in the geographic area within and extending one (1) mile from the bank
27 of the west arm of the Little Calumet River and Burns Waterway in
28 Lake County and Porter County.

29 (b) The commission does not have the power of eminent domain for
30 the construction of marina facilities north of U.S. Highway 12 or south
31 of that point where the west arm of the Little Calumet River meets
32 Burns Waterway. The commission's activities north of U.S. Highway
33 12 and within and adjacent to Burns Waterway are restricted to those
34 activities that the commission determines to be necessary for the
35 following:

- 36 (1) Channeling and maintenance.
- 37 (2) Construction of breakwaters.

38 SECTION 6. IC 14-13-2-7, AS AMENDED BY P.L.181-2009,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2012]: Sec. 7. (a) The commission has:

41 (1) **before July 1, 2012**, five (5) members appointed by the
42 governor; **and**

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- 1 **(2) after June 30, 2012, nine (9) members appointed by the**
 2 **governor.**
- 3 (b) ~~The governor shall appoint members of the commission so that~~
 4 The following requirements ~~are met:~~ **apply to the governor's**
 5 **appointments under subsection (a)(1):**
- 6 (1) One (1) member must be a representative of the department of
 7 natural resources. The member may not be an employee or elected
 8 official of a city, town, or county governmental unit.
- 9 (2) The remaining four (4) members must meet the following
 10 requirements:
- 11 (A) Four (4) members must reside in a:
- 12 (i) city;
- 13 (ii) town; or
- 14 (iii) township (if the member resides in an unincorporated
 15 area of the county);
 16 that borders the Little Calumet River.
- 17 (B) At least three (3) of the members must have a background
 18 in:
- 19 (i) construction;
- 20 (ii) project management; or
- 21 (iii) flood control;
- 22 or a similar professional background.
- 23 (C) A member may not be an employee or elected official of
 24 a city, town, or county governmental unit.
- 25 **(c) The following apply to the membership of the commission**
 26 **after June 30, 2012:**
- 27 **(1) Before August 1, 2012, the governor shall appoint four (4)**
 28 **additional members to the commission for four (4) year terms**
 29 **as follows:**
- 30 **(A) One (1) member nominated by the mayor of a city**
 31 **having a population of more than eighty thousand five**
 32 **hundred (80,500) but less than one hundred thousand**
 33 **(100,000).**
- 34 **(B) One (1) member nominated by the mayor of a city**
 35 **having a population of more than eighty thousand (80,000)**
 36 **but less than eighty thousand four hundred (80,400).**
- 37 **(C) Two (2) members nominated by the board of county**
 38 **commissioners of Lake County.**
- 39 **(2) Notwithstanding section 8 of this chapter, the term of the**
 40 **member described in subsection (b)(1) expires January 7,**
 41 **2013. The governor shall appoint one (1) member nominated**
 42 **by the department of natural resources for a four (4) year**

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1 term beginning January 7, 2013.

2 (3) Notwithstanding section 8 of this chapter, the terms of the
3 members described in subsection (b)(2) expire January 1,
4 2014. The governor shall appoint for four (4) year terms
5 beginning January 1, 2014, four (4) members, each of whom
6 must have been nominated by the executive of a municipality
7 located in the watershed other than a city described in
8 subdivision (1).

9 (4) A member appointed to succeed a member appointed
10 under subdivision (1) or (2) must be nominated by the
11 nominating authority that nominated the member's
12 predecessor, and a member appointed to succeed a member
13 appointed under subdivision (3) must be nominated by the
14 executive of a municipality located in the watershed other
15 than a city described in subdivision (1).

16 (d) The following apply to a member appointed under
17 subsection (c) and to any member appointed to succeed a member
18 appointed under subsection (c):

19 (1) After July 31, 2012, not more than five (5) members of the
20 commission may belong to the same political party.

21 (2) Each member must have a background in:

22 (A) construction;

23 (B) project management;

24 (C) flood control; or

25 (D) a similar professional background.

26 (3) A member may not be an employee or elected official of a
27 city, town, or county governmental unit.

28 (4) Neither the two (2) members appointed under subsection
29 (c)(3) nor any two (2) members appointed to succeed them
30 may be from the same municipality.

31 (5) Neither the two (2) members appointed under subsection
32 (c)(1)(C) nor any two (2) members appointed to succeed them
33 may be from the same district created under IC 36-2-2-4(b).

34 SECTION 7. IC 14-13-2-10, AS AMENDED BY P.L.181-2009,
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2012]: Sec. 10. (a) The commission shall meet:

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

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

39 (1) (A) The chairman.

40 (2) (B) The executive director.

41 (3) (C) Any three (3) number of members that constitutes a
42 quorum under subsection (b).

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1 (b) ~~Three (3)~~ commission members constitute **The following**
2 **number of members constitutes** a quorum:

- 3 (1) ~~Three (3)~~ commission members before August 1, 2012.
- 4 (2) ~~Five (5)~~ commission members beginning August 1, 2012.

5 SECTION 8. IC 14-13-2-18.5 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) The area of the**
8 **watershed described in subsection (b) is a political subdivision**
9 **authorized by the general assembly to enable the commission to**
10 **provide special benefits to taxpayers in the area by promoting**
11 **public safety and economic development that is of public use and**
12 **benefit.**

13 (b) **The commission shall impose an annual special assessment**
14 **against each parcel of real property that is within the watershed of**
15 **the Little Calumet River and Burns Waterway in Lake County.**

16 (c) **The special assessment for each parcel must be as follows:**

- 17 (1) **For a residential parcel of real property, forty-five dollars**
18 **(\$45).**
- 19 (2) **For an agricultural parcel of real property, ninety dollars**
20 **(\$90).**
- 21 (3) **For a commercial parcel of real property, one hundred**
22 **eighty dollars (\$180).**
- 23 (4) **For an industrial or public utility parcel of real property,**
24 **three hundred sixty dollars (\$360).**

25 (d) **The commission shall certify the list of assessments to the**
26 **auditor of Lake County.**

27 SECTION 9. IC 14-13-2-18.6 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2012]: **Sec. 18.6. (a) Each year, the county**
30 **treasurer shall add to the property tax statements of a person**
31 **owning the parcel affected by a special assessment imposed under**
32 **section 18.5 of this chapter, designating the special assessment in**
33 **a manner distinct from general taxes, and indicating that the full**
34 **annual assessment is due in the year the statement is sent.**

35 (b) **An assessment imposed under section 18.5 of this chapter**
36 **shall be collected in the same manner as other special assessments**
37 **are collected under IC 6-1.1, except for the following:**

- 38 (1) **An assessment is not the personal obligation of the owner**
39 **of the parcel affected by the assessment, and only the parcel**
40 **actually affected by an assessment shall be sold for**
41 **delinquency.**
- 42 (2) **An annual assessment shall be paid in full on or before the**

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- 1 **date the second installment of property taxes is due.**
- 2 **(c) At the time of each annual tax settlement, the county**
- 3 **treasurer shall certify to the county auditor the amount of the**
- 4 **special assessments collected.**
- 5 **(d) The county auditor shall pay special assessments collected by**
- 6 **the county treasurer under this section to the commission.**
- 7 **(e) Special assessments collected under this section shall be**
- 8 **deposited into a segregated account within the fund. Money**
- 9 **collected under this section and deposited into the account:**
- 10 **(1) except as provided in subsection (f), may be used only for**
- 11 **expenses directly related to the operation, repair, and**
- 12 **maintenance of flood protection systems within the**
- 13 **watershed; and**
- 14 **(2) may not be transferred into other accounts within the**
- 15 **fund.**
- 16 **(f) Subject to subsection (g), the commission shall transfer**
- 17 **money from the segregated account referred to in subsection (e) to**
- 18 **the northwest Indiana regional development authority established**
- 19 **by IC 36-7.5-2-1 as follows:**
- 20 **(1) Two million four hundred thirty thousand dollars**
- 21 **(\$2,430,000) on July 1, 2013.**
- 22 **(2) One million four hundred seventy thousand dollars**
- 23 **(\$1,470,000) on July 1, 2014.**
- 24 **(3) Nine hundred twenty thousand dollars (\$920,000) on July**
- 25 **1, 2015.**
- 26 **(4) Six hundred ninety thousand dollars (\$690,000) on July 1,**
- 27 **2016.**
- 28 **(5) Five hundred thousand dollars (\$500,000) on July 1, 2017.**
- 29 **(g) The commission may postpone or reduce the amount of a**
- 30 **transfer required by subsection (f) by adopting a resolution, with**
- 31 **at least two-thirds (2/3) of the members voting in the affirmative,**
- 32 **declaring that an emergency exists. For purposes of this subsection,**
- 33 **an emergency may include a demand from the Army Corps of**
- 34 **Engineers for payment in an amount that would prevent the**
- 35 **commission from complying with the transfer schedule set forth in**
- 36 **subsection (f).**
- 37 **SECTION 10. IC 14-13-2-31, AS ADDED BY P.L.181-2009,**
- 38 **SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 39 **JULY 1, 2012]: Sec. 31. (a) Subject to subsection (c), before November**
- 40 **1 of each year, the commission shall make a report of the commission's**
- 41 **activities to the following:**
- 42 **(1) The governor.**

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(2) The legislative council.

(3) The board of county commissioners of Lake County.

(b) A report made to the legislative council under this section must be in an electronic format under IC 5-14-6.

(c) The governor may require the commission to issue reports more frequently than would otherwise be required under subsection (a).

SECTION 11. IC 14-13-2-32 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2012]: **Sec. 32. (a) The Little Calumet River basin project advisory board is established.**

(b) The advisory board consists of the following members:

(1) One (1) member appointed by the executive of each municipality located in the watershed.

(2) One (1) member appointed by the board of county commissioners of Lake County.

(c) Each member of the advisory board must have experience in:

(1) designing;

(2) constructing;

(3) maintaining; or

(4) managing;

drainage or flood control facilities in the watershed.

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