

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Natural Resources, to which was referred House Bill 1289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 14-27-3-7 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The committee
- 5 placed in charge of the levee may **perform maintenance and** make all
- 6 necessary repairs to the levee that are necessary to keep the levee in
- 7 original condition. **However, the committee shall perform the**
- 8 **maintenance of and repairs to the levee that are necessary to**
- 9 **maintain federal certification of the levee.** If it becomes necessary
- 10 for the safety of the levee to change the line and location of the levee
- 11 at any point in making the repairs, the committee may make the
- 12 change. However, the committee may not change or relocate the
- 13 general line or location of the levee.
- 14 (b) The committee shall do the following:
- 15 (1) Keep a record of the committee's proceedings.

- 1 (2) Note in the record all expenses incurred in making the repairs.
- 2 (3) File with the county auditor a statement showing the cost and
- 3 expenses of making the repairs, specifying the amounts due each
- 4 person.

5 (c) The auditor shall draw a warrant on the county treasurer in favor
 6 of each person for the amount due the person. The amounts shall be
 7 paid out of the county revenue but reimbursed to the county.

8 **(d) Notwithstanding any other law, the cost and expenses of**
 9 **performing maintenance on a levee under subsection (a) shall be**
 10 **apportioned and assessed in the same manner as repair costs and**
 11 **expenses to a levee."**

12 Page 1, line 2, after "Sec. 8." insert "(a)".

13 Page 1, between lines 12 and 13, begin a new paragraph and insert:

14 **"(b) If a committee in charge of a levee:**

15 **(1) before July 1, 2013, has filed the statement of costs and**
 16 **expenses for repairs under section 7(b)(3) of this chapter; and**

17 **(2) has not:**

18 **(A) reimbursed the county for the costs and expenses for**
 19 **repairs to the levee; or**

20 **(B) apportioned and assessed the costs upon the land and**
 21 **corporations benefited by the repairs as required in**
 22 **subsection (a);**

23 **the committee in charge of a levee shall, before September 29,**
 24 **2013, apportion and assess the costs upon the land and**
 25 **corporations benefited by the repairs as required by subsection**
 26 **(a)."**

27 Page 2, line 5, delete "may" and insert "**and county executive may**
 28 **each"**.

- 1 Page 2, line 8, delete "county council." and insert "**appointing**
- 2 **authority.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1289 as introduced.)

and when so amended that said bill do pass.

Representative Eberhart