

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, line 7, after "levee." insert "**The committee shall notify the**
2 **county executive not later than ten (10) days after a change in the**
3 **status of a levee that no longer meets the requirements necessary**
4 **to maintain federal certification.**".

5 Page 2, line 34, delete "Notwithstanding any other law, during the"
6 and insert "**The county council and county executive shall each**
7 **appoint an individual to serve as a voting member of the committee**
8 **in charge of a levee.**

9 **(b) A member of a committee in charge of a levee appointed**
10 **under this section serves at the pleasure of the appointing**
11 **authority.**

12 SECTION 4. IC 14-28-1-19 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. Sections 20, 21, 22,
14 23, 24, and 25 of this chapter do not apply to any of the following:

15 (1) An abode or a residence constructed on land that meets the
16 following conditions:

17 (A) Is between the 791.0 mile marker and the 791.5 mile
18 marker on the Ohio River.

19 (B) Is adjacent to a recreational area.

20 (C) Has been or may be filled to or above an elevation of three

- 1 hundred seventy-eight (378) feet above sea level.
- 2 (D) Is properly protected by riprap in a manner that minimizes
- 3 the possibility of erosion by river currents.
- 4 (2) An abode or a residence if the following conditions are met:
- 5 (A) The abode or residence is rebuilt upon the area of the
- 6 original foundation and is substantially the same configuration
- 7 as the former abode or residence.
- 8 (B) The abode or residence was unintentionally destroyed by
- 9 a means other than floodwater.
- 10 (C) The rebuilding of the abode or residence is begun within
- 11 one (1) year and completed within two (2) years after the
- 12 destruction of the former abode or residence.
- 13 (D) The abode or residence is located in the floodway of a
- 14 stream having a watershed upstream from the abode or
- 15 residence of less than fifteen (15) square miles in area.
- 16 (E) The lowest floor of the rebuilt abode or residence,
- 17 including the basement, is at or above the one hundred (100)
- 18 year frequency flood elevation if the abode or residence was
- 19 totally destroyed.
- 20 (F) A variance is obtained from the county or municipality for
- 21 the lowest floor of the abode or residence to be below the one
- 22 hundred (100) year frequency flood elevation if the damage to
- 23 the former abode or residence is less than one hundred percent
- 24 (100%).
- 25 (G) An ordinance allowing the rebuilding of an abode or a
- 26 residence is adopted by any of the following:
- 27 (i) The legislative body of the city or town in which the
- 28 abode or residence is located.
- 29 (ii) The legislative body of the county in which the abode or
- 30 residence is located if the abode or residence is not located
- 31 in a city or town.
- 32 **(3) A property that is to be rehabilitated and reused as an**
- 33 **abode or residence if the following conditions are met:**
- 34 **(A) The property is located between the South Newton**
- 35 **Bridge (Veterans Memorial Bridge) located at 85.30 miles**
- 36 **from the mouth of the Patoka River and the bridge that is**
- 37 **part of State Road 164 located at 85.90 miles from the**
- 38 **mouth of the Patoka River.**

