



January 17, 2019

HOUSE BILL No. 1270

DIGEST OF HB 1270 (Updated January 15, 2019 9:36 am - DI 75)

Citations Affected: IC 14-8; IC 14-13; IC 14-28; IC 14-30.

Synopsis: Kankakee River basin development. Abolishes the Kankakee River basin commission (KRBC) and repeals its statute. Establishes the Kankakee River basin development commission (commission) as a public body corporate and politic. Clarifies that the Yellow River basin is part of the Kankakee River basin.

Effective: July 1, 2019.

Gutwein

January 10, 2019, read first time and referred to Select Committee on Government Reduction.
January 16, 2019, amended, reported — Do Pass.

HB 1270—LS 7128/DI 129



January 17, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1270

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 14-8-2-20, AS AMENDED BY P.L.4-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 20. "Basin" has the following meaning:
4 **(1) For purposes of IC 14-13-9, the meaning set forth in**
5 **IC 14-13-9-1.**
6 ~~(1)~~ **(2)** For purposes of IC 14-25-1, the meaning set forth in
7 section 1.2 of IC 14-25-15-1.
8 ~~(2)~~ For purposes of ~~IC 14-30-1~~, the meaning set forth in
9 ~~IC 14-30-1-1~~.
10 (3) For purposes of IC 14-30-2, the meaning set forth in
11 IC 14-30-2-1.
12 (4) For purposes of IC 14-30-3, the meaning set forth in
13 IC 14-30-3-1.
14 (5) For purposes of IC 14-30-4, the meaning set forth in
15 IC 14-30-4-1.
16 SECTION 2. IC 14-8-2-48, AS AMENDED BY P.L.189-2018,
17 SECTION 129, IS AMENDED TO READ AS FOLLOWS

HB 1270—LS 7128/DI 129



- 1 [EFFECTIVE JULY 1, 2019]: Sec. 48. (a) "Commission", except as
 2 provided in this section, refers to the natural resources commission.
 3 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
 4 forth in IC 14-13-1-1.
 5 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
 6 forth in IC 14-13-2-2.
 7 (d) "Commission", for purposes of IC 14-13-4, has the meaning set
 8 forth in IC 14-13-4-1.
 9 (e) "Commission", for purposes of IC 14-13-5, has the meaning set
 10 forth in IC 14-13-5-1.
 11 (f) "Commission", for purposes of IC 14-13-6, has the meaning set
 12 forth in IC 14-13-6-2.
 13 **(g) "Commission", for purposes of IC 14-13-9, has the meaning**
 14 **set forth in IC 14-13-9-2.**
 15 ~~(g)~~ **(h)** "Commission", for purposes of IC 14-20-11, has the meaning
 16 set forth in IC 14-20-11-1.
 17 ~~(h)~~ **(i)** "Commission", for purposes of IC 14-28-4, has the meaning
 18 set forth in IC 14-28-4-1.
 19 ~~(i)~~ "Commission", for purposes of IC 14-30-1, has the meaning set
 20 forth in IC 14-30-1-2.
 21 (j) "Commission", for purposes of IC 14-30-2, has the meaning set
 22 forth in IC 14-30-2-2.
 23 (k) "Commission", for purposes of IC 14-30-3, has the meaning set
 24 forth in IC 14-30-3-2.
 25 (l) "Commission", for purposes of IC 14-30-4, has the meaning set
 26 forth in IC 14-30-4-2.
 27 (m) "Commission", for purposes of IC 14-33-20, has the meaning
 28 set forth in IC 14-33-20-2.
 29 SECTION 3. IC 14-8-2-136 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 136. "Kankakee River
 31 basin", for purposes of ~~IC 14-30-1~~, **IC 14-13-9**, has the meaning set
 32 forth in ~~IC 14-30-1-3~~. **IC 14-13-9-3.**
 33 SECTION 4. IC 14-13-9 IS ADDED TO THE INDIANA CODE AS
 34 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2019]:
 36 **Chapter 9. Kankakee River Basin Development Commission**
 37 **Sec. 0.5. (a) The Kankakee River basin commission is abolished.**
 38 **Notwithstanding IC 14-30-1, as in effect June 30, 2019, the term of**
 39 **any member serving on the Kankakee River basin commission**
 40 **expires July 1, 2019.**
 41 **(b) The governor shall appoint the member described in section**
 42 **8(a)(1) of this chapter effective July 1, 2019. The term of a member**



1 appointed under this subsection begins on July 1, 2019, and the
2 member serves a four (4) year term as provided in section 11 of
3 this chapter.

4 (c) The county executive from each respective county shall
5 appoint the member described in section 8(a)(2) from each of the
6 following counties effective July 1, 2019:

- 7 (1) LaPorte.
8 (2) Marshall.
9 (3) Porter.
10 (4) Starke.

11 The term of a member initially appointed under this subsection
12 begins on July 1, 2019.

13 (d) Notwithstanding section 11 of this chapter, the term of a
14 member appointed under subsection (c) is two (2) years. After July
15 1, 2021, the term of a member appointed from a county described
16 in subsection (c) is four (4) years in accordance with section 11 of
17 this chapter.

18 (e) The county executive from each respective county shall
19 appoint the member described in section 8(a)(2) from each of the
20 following counties effective July 1, 2019:

- 21 (1) Jasper.
22 (2) Lake.
23 (3) Newton.
24 (4) St. Joseph.

25 A member appointed to an initial term under this subsection begins
26 the member's term on July 1, 2019, and serves a four (4) year term
27 as provided in section 11 of this chapter.

28 (f) On July 1, 2019, all powers, duties, agreements, and liabilities
29 of the Kankakee River basin commission are transferred to the
30 commission.

31 (g) On July 1, 2019, all records and property, including
32 appropriations and other funds, under the control of the Kankakee
33 River basin commission are transferred to the commission.

34 (h) Employees of the Kankakee River basin commission on June
35 30, 2019, become employees of the commission on July 1, 2019,
36 without change in compensation, seniority, or benefits and are
37 entitled to have their service under the commission included for
38 purposes of computing any applicable employment and retirement
39 benefits.

40 (i) After June 30, 2019, a reference to the Kankakee River basin
41 commission in any statute, rule, or other document is considered
42 a reference to the commission.



1 (j) This section expires July 1, 2024.

2 Sec. 1. As used in this chapter, "basin" refers to the Kankakee
3 River basin.

4 Sec. 2. As used in this chapter, "commission" refers to the
5 Kankakee River basin development commission established by this
6 chapter.

7 Sec. 3. (a) As used in this chapter, "Kankakee River basin"
8 means the area in Jasper County, LaPorte County, Lake County,
9 Marshall County, Newton County, Porter County, St. Joseph
10 County, and Starke County that is drained by the Kankakee River
11 and tributaries of the Kankakee River in Indiana.

12 (b) The term includes the following:

13 (1) The area in Kankakee County and Iroquois County in
14 Illinois that is drained by the Kankakee River and the
15 tributaries of the Kankakee River in Illinois.

16 (2) The Yellow River basin.

17 Sec. 4. As used in this chapter, "Yellow River basin" means the
18 area in Marshall County, Starke County, and St. Joseph County
19 that is drained by the Yellow River in Indiana.

20 Sec. 5. The Kankakee River basin development commission is
21 established as a public body corporate and politic.

22 Sec. 6. The exercise of the powers granted by this chapter is for
23 the benefit of the people of Indiana and for the increase of their
24 commerce, health, enjoyment, and prosperity. The operation,
25 creation, development, and maintenance of the projects by the
26 commission constitute the performance of essential governmental
27 functions.

28 Sec. 7. The commission shall limit the commission's activities to
29 the Kankakee River basin.

30 Sec. 8. (a) The commission consists of the following individuals:

31 (1) One (1) representative appointed by the governor, who is
32 a voting member.

33 (2) One (1) representative appointed by the county executive
34 of each county in the basin in Indiana, who is a voting
35 member.

36 (b) A member appointed under subsection (a)(2) must reside in
37 the Indiana county within the basin for which the member is
38 appointed.

39 Sec. 9. (a) The commission may invite the executives of the
40 counties located in the basin in Illinois to appoint one (1) member
41 who meets the qualifications described in section 10 of this chapter
42 to the commission.



1 (b) If a member is appointed under this section, the member
2 serves as a nonvoting advisory member of the commission.

3 (c) If a member is appointed under this section, the member:

4 (1) is not entitled to reimbursement for traveling expenses or
5 a salary per diem as provided in section 16 of this chapter;
6 and

7 (2) may not be elected as an officer of the commission as
8 provided in section 13 of this chapter.

9 Sec. 10. Each member of the commission appointed under
10 section 8(a) of this chapter must have a background in:

- 11 (1) construction;
12 (2) project management;
13 (3) flood control;
14 (4) drainage; or
15 (5) another similar professional background.

16 Sec. 11. The term of office of a member of the commission is
17 four (4) years and continues until a successor is appointed.

18 Sec. 12. (a) An individual who is appointed to the commission is
19 eligible for reappointment.

20 (b) If a vacancy occurs in the position of a member of the
21 commission, the authority that appointed the member shall appoint
22 a new member to fill the vacancy in the same way that the member
23 to be replaced was appointed.

24 (c) If an appointee is appointed to serve an unexpired term, the
25 appointee serves only until the end of the unexpired term.

26 Sec. 13. (a) This section does not apply to a member appointed
27 under section 9 of this chapter.

28 (b) The commission shall elect the following officers:

- 29 (1) A chairman.
30 (2) A vice chairman.
31 (3) A secretary.
32 (4) A treasurer.

33 (c) The:

- 34 (1) terms of the officers elected under subsection (b) may not
35 exceed one (1) year; and
36 (2) officers are eligible for reelection.

37 (d) The commission may establish and fill other offices the
38 commission considers necessary.

39 (e) Each officer of the commission shall perform the duties
40 usually pertaining to the office.

41 Sec. 14. The commission shall meet:

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



- 1 **(2) on the call of any of the following:**
- 2 **(A) The chairman.**
- 3 **(B) The executive director.**
- 4 **(C) A quorum of the members of the commission.**
- 5 **Sec. 15. (a) The following rules apply to proceedings of the**
- 6 **commission:**
- 7 **(1) Five (5) voting members constitute a quorum.**
- 8 **(2) At least five (5) affirmative votes are required for the**
- 9 **commission to take action.**
- 10 **(3) The commission shall keep a record of the commission's**
- 11 **resolutions, transactions, and findings. This record is a public**
- 12 **record.**
- 13 **(b) The commission may adopt additional rules for the**
- 14 **transaction of business.**
- 15 **Sec. 16. (a) This section does not apply to a member appointed**
- 16 **under section 9 of this chapter.**
- 17 **(b) Each commission member is entitled to reimbursement for**
- 18 **traveling and other expenses as provided in the state travel policies**
- 19 **and procedures established by the Indiana department of**
- 20 **administration and approved by the budget agency.**
- 21 **(c) Each appointed commission member is entitled to the**
- 22 **minimum salary per diem as provided in IC 4-10-11-2.1(b).**
- 23 **Sec. 17. (a) The commission:**
- 24 **(1) shall coordinate the development of the basin; and**
- 25 **(2) may request assistance of the regional planning**
- 26 **commissions affected in the preparation of a comprehensive**
- 27 **development plan for the basin.**
- 28 **(b) All planning and development programs of the commission**
- 29 **must be approved by the following:**
- 30 **(1) Each regional planning commission affected.**
- 31 **(2) The department.**
- 32 **Sec. 18. The commission may do the following:**
- 33 **(1) Conduct all studies necessary for the performance of the**
- 34 **commission's duties.**
- 35 **(2) Publicize, advertise, and distribute reports on the**
- 36 **commission's purposes, objectives, and findings.**
- 37 **(3) When requested, provide recommendations in matters**
- 38 **related to the commission's functions and objectives to the**
- 39 **following:**
- 40 **(A) Political subdivisions in the basin.**
- 41 **(B) Other public and private agencies.**
- 42 **(4) When requested, act as a coordinating agency for**



- 1 programs and activities of other public and private agencies
2 that are related to the commission's objectives.
- 3 **Sec. 19. (a) The commission may receive grants and**
4 **appropriations from the following:**
- 5 (1) Federal, state, and local governments.
6 (2) Individuals, foundations, and other organizations.
- 7 (b) The commission may enter into agreements or contracts
8 regarding the acceptance or use of these grants and appropriations
9 for the purpose of carrying out the commission's activities under
10 this chapter.
- 11 (c) The commission must expend money appropriated to the
12 commission for the purpose for which the money is appropriated.
- 13 **Sec. 20. (a) The commission may:**
- 14 (1) acquire and dispose of real or personal property by grant,
15 gift, purchase, lease, devise, or otherwise; and
16 (2) hold, use, improve, maintain, operate, own, manage, or
17 lease as lessor or lessee real or personal property or any
18 interest in that property;
19 for the purposes prescribed by this chapter.
- 20 (b) The commission may exercise the powers granted by this
21 section for the development of the water resources of the basin.
- 22 **Sec. 21. The commission may sue and be sued.**
- 23 **Sec. 22. The commission may, with the approval of the regional**
24 **planning commissions affected and the department, enter into**
25 **agreements with agencies in another state that are responsible for**
26 **the planning or development of all or part of the basin in the other**
27 **state.**
- 28 **Sec. 23. The commission may appoint advisory committees**
29 **consisting of individuals whose experience, training, or interest in**
30 **the program enables the individuals to assist the commission.**
31 **However, if a county is represented on the commission by an**
32 **individual who is not the county surveyor, then the county**
33 **surveyor is a member of any advisory committee. A member of an**
34 **advisory committee is not entitled to compensation for the**
35 **member's services.**
- 36 **Sec. 24. (a) The counties in the basin may budget, appropriate,**
37 **and disburse an aggregate amount not to exceed fifty thousand**
38 **dollars (\$50,000) per year to carry out the purposes of the**
39 **commission under this chapter. The appropriation shall be**
40 **apportioned among the counties in the basin in direct relationship**
41 **to the amount of land area lying within the basin boundaries.**
- 42 (b) The department shall certify the boundaries and the



1 drainage area of each county within the basin after consultation
 2 with the respective county surveyors and the United States Army
 3 Corps of Engineers. The determination and certification shall be
 4 prepared before submission of budgets to the appropriating bodies
 5 so that the correct amount can be appropriated.

6 (c) A regional planning commission may, upon request from the
 7 commission, furnish for a reasonable charge the support staff
 8 necessary for the commission.

9 **Sec. 25. (a) The commission shall do the following:**

10 (1) Prepare and adopt by majority vote an annual budget.

11 (2) Submit the budget to each county, municipality, or agency
 12 appropriating money for the use of the commission.

13 (b) After approval of the budget by the commission, money may
 14 be expended only as budgeted unless a majority vote of the
 15 commission authorizes other expenditure.

16 (c) Any appropriated amounts remaining unexpended or
 17 unencumbered at the end of the year become part of a
 18 nonreverting cumulative fund to be held in the name of the
 19 commission. The commission may authorize unbudgeted
 20 expenditures from this fund by a majority vote of the commission.

21 (d) The commission is responsible for the safekeeping and
 22 deposit of money the commission receives under this chapter. The
 23 state board of accounts shall:

24 (1) prescribe the methods and forms for keeping; and

25 (2) periodically audit;

26 the accounts, records, and books of the commission.

27 (e) The treasurer of the commission may receive, disburse, and
 28 handle money belonging to the commission, subject to the
 29 following:

30 (1) Applicable statutes.

31 (2) Procedures established by the commission.

32 SECTION 5. IC 14-28-1-22, AS AMENDED BY P.L.195-2017,
 33 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 22. (a) As used in subsection (b)(1) with respect
 35 to a stream, "total length" means the length of the stream, expressed in
 36 miles, from the confluence of the stream with the receiving stream to
 37 the upstream or headward extremity of the stream, as indicated by the
 38 solid or dashed, blue or purple line depicting the stream on the most
 39 current edition of the seven and one-half (7 1/2) minute topographic
 40 quadrangle map published by the United States Geological Survey,
 41 measured along the meanders of the stream as depicted on the map.

42 (b) This section does not apply to the following:



- 1 (1) A reconstruction or maintenance project (as defined in
2 IC 36-9-27) on a stream or an open regulated drain if the total
3 length of the stream or open drain is not more than ten (10) miles.
- 4 (2) A construction or reconstruction project on a state or county
5 highway bridge in a rural area that crosses a stream having an
6 upstream drainage area of not more than fifty (50) square miles
7 and the relocation of utility lines associated with the construction
8 or reconstruction project if confined to an area not more than one
9 hundred (100) feet from the limits of the highway construction
10 right-of-way.
- 11 (3) The performance of an activity described in subsection (c)(1)
12 or (c)(2) by a surface coal mining operation that is operated under
13 a permit issued under IC 14-34.
- 14 (4) Any other activity that is determined by the commission,
15 according to rules adopted under IC 4-22-2, to pose not more than
16 a minimal threat to floodway areas.
- 17 (5) An activity in a boundary river floodway to which section 26.5
18 of this chapter applies.
- 19 (6) The removal of a logjam or mass of wood debris that has
20 accumulated in a river or stream, subject to the following
21 conditions:
- 22 (A) Work must not be within a salmonid stream designated
23 under 327 IAC 2-1.5-5 without the prior written approval of
24 the department's division of fish and wildlife.
- 25 (B) Work must not be within a natural, scenic, or recreational
26 river or stream designated under 312 IAC 7-2.
- 27 (C) Except as otherwise provided in Indiana law, free logs or
28 affixed logs that are crossways in the channel must be cut,
29 relocated, and removed from the floodplain. Logs may be
30 maintained in the floodplain if properly anchored or otherwise
31 secured so as to resist flotation or dislodging by the flow of
32 water and placement in an area that is not a wetland. Logs
33 must be removed and secured with a minimum of damage to
34 vegetation.
- 35 (D) Isolated or single logs that are embedded, lodged, or
36 rooted in the channel, and that do not span the channel or
37 cause flow problems, must not be removed unless the logs are
38 either of the following:
- 39 (i) Associated with or in close proximity to larger
40 obstructions.
- 41 (ii) Posing a hazard to navigation.
- 42 (E) A leaning or severely damaged tree that is in immediate



- 1 danger of falling into the waterway may be cut and removed if
 2 the tree is associated with or in close proximity to an
 3 obstruction. The root system and stump of the tree must be left
 4 in place.
- 5 (F) To the extent practicable, the construction of access roads
 6 must be minimized, and should not result in the elevation of
 7 the floodplain.
- 8 (G) To the extent practicable, work should be performed
 9 exclusively from one (1) side of a waterway. Crossing the bed
 10 of a waterway is prohibited.
- 11 (H) To prevent the flow of sediment laden water back into the
 12 waterway, appropriate sediment control measures must be
 13 installed.
- 14 (I) Within fifteen (15) days, all bare and disturbed areas must
 15 be revegetated with a mixture of grasses and legumes. Tall
 16 fescue must not be used under this subdivision, except that low
 17 endophyte tall fescue may be used in the bottom of the
 18 waterway and on side slopes.
- 19 (c) A person who desires to:
- 20 (1) erect, make, use, or maintain a structure, an obstruction, a
 21 deposit, or an excavation; or
- 22 (2) suffer or permit a structure, an obstruction, a deposit, or an
 23 excavation to be erected, made, used, or maintained;
- 24 in or on a floodway must file with the director a verified written
 25 application for a permit accompanied by a nonrefundable minimum fee
 26 of two hundred dollars (\$200).
- 27 (d) The application for a permit must set forth the material facts
 28 together with plans and specifications for the structure, obstruction,
 29 deposit, or excavation.
- 30 (e) An applicant must receive a permit from the director for the
 31 work before beginning construction. The director shall issue a permit
 32 only if in the opinion of the director the applicant has clearly proven
 33 that the structure, obstruction, deposit, or excavation will not do any of
 34 the following:
- 35 (1) Adversely affect the efficiency of or unduly restrict the
 36 capacity of the floodway.
- 37 (2) Constitute an unreasonable hazard to the safety of life or
 38 property.
- 39 (3) Result in unreasonably detrimental effects upon fish, wildlife,
 40 or botanical resources.
- 41 (f) In deciding whether to issue a permit under this section, the
 42 director shall consider the cumulative effects of the structure,



1 obstruction, deposit, or excavation. The director may incorporate in and
 2 make a part of an order of authorization conditions and restrictions that
 3 the director considers necessary for the purposes of this chapter.

4 (g) A permit issued under this section:

- 5 (1) is valid for two (2) years after the issuance of the permit; and
 6 (2) to:

7 (A) the Indiana department of transportation or a county
 8 highway department if there is any federal funding for the
 9 project; or

10 (B) an electric utility for the construction of a power
 11 generating facility;

12 is valid for five (5) years from the date of issuance.

13 A permit that is active and was issued under subdivision (1) before July
 14 1, 2014, is valid for two (2) years beginning July 2014, and a permit
 15 that is active and was issued under subdivision (2) before July 1, 2014,
 16 is valid for five (5) years beginning July 2014.

17 (h) A permit issued under:

18 (1) subsection (g)(1) may be renewed one (1) time for a period not
 19 to exceed two (2) additional years; and

20 (2) subsection (g)(2) may be renewed one (1) time for a period not
 21 to exceed five (5) additional years.

22 (i) The director shall send a copy of each permit issued under this
 23 section to each river basin commission organized under:

24 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

25 (2) **IC 14-13-19**, IC 14-30-1 (**before its repeal**), or IC 36-7-6
 26 (before its repeal);

27 that is affected.

28 (j) The permit holder shall post and maintain a permit issued under
 29 this section at the authorized site.

30 (k) For the purposes of this chapter, the lowest floor of a building,
 31 including a residence or abode, that is to be constructed or
 32 reconstructed in the one hundred (100) year floodplain of an area
 33 protected by a levee that is:

34 (1) inspected; and

35 (2) found to be in good or excellent condition;

36 by the United States Army Corps of Engineers shall not be lower than
 37 the one hundred (100) year frequency flood elevation plus one (1) foot.

38 SECTION 6. IC 14-28-1-24, AS AMENDED BY P.L.195-2017,
 39 SECTION 46, IS AMENDED TO READ AS FOLLOWS
 40 [[EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section does not apply
 41 to the reconstruction of a residence located in a boundary river
 42 floodway.



1 (b) A person may not begin the reconstruction of an abode or a
 2 residence that is located in a floodway and is substantially damaged (as
 3 defined in 44 CFR 59.1, as in effect on January 1, 1993) unless the
 4 person has:

5 (1) obtained a permit under this section or section 26.5 of this
 6 chapter; or

7 (2) demonstrated to the department through the submission of
 8 material facts, plans, and specifications that the material used to
 9 elevate the reconstructed abode or residence:

10 (A) does not extend beyond the original foundation of the
 11 abode or residence; and

12 (B) meets the criteria set forth in subsection (d)(2) through
 13 (d)(7).

14 (c) A person who desires to reconstruct an abode or a residence that
 15 does not meet the requirements under subsection (b)(2) must file with
 16 the director a verified written application for a permit accompanied by
 17 a nonrefundable minimum fee of fifty dollars (\$50). An application
 18 submitted under this section must do the following:

19 (1) Set forth the material facts concerning the proposed
 20 reconstruction.

21 (2) Include the plans and specifications for the reconstruction.

22 (d) The director may issue a permit to an applicant under this
 23 section only if the applicant has clearly proven all of the following:

24 (1) The abode or residence will be reconstructed:

25 (A) in the area of the original foundation and in substantially
 26 the same configuration as the former abode or residence; or

27 (B) in a location that is, as determined by the director, safer
 28 than the location of the original foundation.

29 (2) The lowest floor elevation of the abode or residence as
 30 reconstructed, including the basement, will be at least two (2) feet
 31 above the one hundred (100) year flood elevation.

32 (3) The abode or residence will be designed or modified and
 33 adequately anchored to prevent flotation, collapse, or lateral
 34 movement of the structure resulting from hydrodynamic and
 35 hydrostatic loads, including the effects of buoyancy.

36 (4) The abode or residence will be reconstructed with materials
 37 resistant to flood damage.

38 (5) The abode or residence will be reconstructed by methods and
 39 practices that minimize flood damages.

40 (6) The abode or residence will be reconstructed with electrical,
 41 heating, ventilation, plumbing, and air conditioning equipment
 42 and other service facilities that are designed and located to



1 prevent water from entering or accumulating within the
2 components during conditions of flooding.

3 (7) The abode or residence, as reconstructed, will comply with the
4 minimum requirements for floodplain management set forth in 44
5 CFR Part 60, as in effect on January 1, 1993.

6 (e) When granting a permit under this section, the director may
7 establish and incorporate into the permit certain conditions and
8 restrictions that the director considers necessary for the purposes of this
9 chapter.

10 (f) A permit issued by the director under this section is void if the
11 reconstruction authorized by the permit is not commenced within two
12 (2) years after the permit is issued.

13 (g) The director shall send a copy of each permit issued under this
14 section to each river basin commission organized under:

15 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

16 (2) **IC 14-13-9**, IC 14-30-1 (**before its repeal**), or IC 36-7-6
17 (before its repeal);

18 that is affected by the permit.

19 (h) The person to whom a permit is issued under this section shall
20 post and maintain the permit at the site of the reconstruction authorized
21 by the permit.

22 (i) A person who knowingly:

23 (1) begins the reconstruction of an abode or a residence in
24 violation of subsection (b);

25 (2) violates a condition or restriction of a permit issued under this
26 section; or

27 (3) fails to post and maintain a permit at a reconstruction site in
28 violation of subsection (h);

29 commits a Class B infraction. Each day that the person is in violation
30 of subsection (b), the permit, or subsection (h) constitutes a separate
31 infraction.

32 SECTION 7. IC 14-30-1 IS REPEALED [EFFECTIVE JULY 1,
33 2019]. (Kankakee River Basin Commission).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1270, 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:

Page 2, delete lines 41 through 42.

Delete pages 3 through 9

Page 10, delete lines 1 through 25, begin a new paragraph and insert:

"(b) The governor shall appoint the member described in section 8(a)(1) of this chapter effective July 1, 2019. The term of a member appointed under this subsection begins on July 1, 2019, and the member serves a four (4) year term as provided in section 11 of this chapter.

(c) The county executive from each respective county shall appoint the member described in section 8(a)(2) from each of the following counties effective July 1, 2019:

- (1) LaPorte.**
- (2) Marshall.**
- (3) Porter.**
- (4) Starke.**

The term of a member initially appointed under this subsection begins on July 1, 2019.

(d) Notwithstanding section 11 of this chapter, the term of a member appointed under subsection (c) is two (2) years. After July 1, 2021, the term of a member appointed from a county described in subsection (c) is four (4) years in accordance with section 11 of this chapter.

(e) The county executive from each respective county shall appoint the member described in section 8(a)(2) from each of the following counties effective July 1, 2019:

- (1) Jasper.**
- (2) Lake.**
- (3) Newton.**
- (4) St. Joseph.**

A member appointed to an initial term under this subsection begins the member's term on July 1, 2019, and serves a four (4) year term as provided in section 11 of this chapter.

(f) On July 1, 2019, all powers, duties, agreements, and liabilities of the Kankakee River basin commission are transferred to the commission.

(g) On July 1, 2019, all records and property, including



appropriations and other funds, under the control of the Kankakee River basin commission are transferred to the commission.

(h) Employees of the Kankakee River basin commission on June 30, 2019, become employees of the commission on July 1, 2019, without change in compensation, seniority, or benefits and are entitled to have their service under the commission included for purposes of computing any applicable employment and retirement benefits.

(i) After June 30, 2019, a reference to the Kankakee River basin commission in any statute, rule, or other document is considered a reference to the commission.

(j) This section expires July 1, 2024.

Sec. 1. As used in this chapter, "basin" refers to the Kankakee River basin.

Sec. 2. As used in this chapter, "commission" refers to the Kankakee River basin development commission established by this chapter.

Sec. 3. (a) As used in this chapter, "Kankakee River basin" means the area in Jasper County, LaPorte County, Lake County, Marshall County, Newton County, Porter County, St. Joseph County, and Starke County that is drained by the Kankakee River and tributaries of the Kankakee River in Indiana.

(b) The term includes the following:

(1) The area in Kankakee County and Iroquois County in Illinois that is drained by the Kankakee River and the tributaries of the Kankakee River in Illinois.

(2) The Yellow River basin.

Sec. 4. As used in this chapter, "Yellow River basin" means the area in Marshall County, Starke County, and St. Joseph County that is drained by the Yellow River in Indiana.

Sec. 5. The Kankakee River basin development commission is established as a public body corporate and politic.

Sec. 6. The exercise of the powers granted by this chapter is for the benefit of the people of Indiana and for the increase of their commerce, health, enjoyment, and prosperity. The operation, creation, development, and maintenance of the projects by the commission constitute the performance of essential governmental functions.

Sec. 7. The commission shall limit the commission's activities to the Kankakee River basin.

Sec. 8. (a) The commission consists of the following individuals:

(1) One (1) representative appointed by the governor, who is



a voting member.

(2) One (1) representative appointed by the county executive of each county in the basin in Indiana, who is a voting member.

(b) A member appointed under subsection (a)(2) must reside in the Indiana county within the basin for which the member is appointed.

Sec. 9. (a) The commission may invite the executives of the counties located in the basin in Illinois to appoint one (1) member who meets the qualifications described in section 10 of this chapter to the commission.

(b) If a member is appointed under this section, the member serves as a nonvoting advisory member of the commission.

(c) If a member is appointed under this section, the member:

(1) is not entitled to reimbursement for traveling expenses or a salary per diem as provided in section 16 of this chapter; and

(2) may not be elected as an officer of the commission as provided in section 13 of this chapter.

Sec. 10. Each member of the commission appointed under section 8(a) of this chapter must have a background in:

(1) construction;

(2) project management;

(3) flood control;

(4) drainage; or

(5) another similar professional background.

Sec. 11. The term of office of a member of the commission is four (4) years and continues until a successor is appointed.

Sec. 12. (a) An individual who is appointed to the commission is eligible for reappointment.

(b) If a vacancy occurs in the position of a member of the commission, the authority that appointed the member shall appoint a new member to fill the vacancy in the same way that the member to be replaced was appointed.

(c) If an appointee is appointed to serve an unexpired term, the appointee serves only until the end of the unexpired term.

Sec. 13. (a) This section does not apply to a member appointed under section 9 of this chapter.

(b) The commission shall elect the following officers:

(1) A chairman.

(2) A vice chairman.

(3) A secretary.



(4) A treasurer.

(c) The:

(1) terms of the officers elected under subsection (b) may not exceed one (1) year; and

(2) officers are eligible for reelection.

(d) The commission may establish and fill other offices the commission considers necessary.

(e) Each officer of the commission shall perform the duties usually pertaining to the office.

Sec. 14. The commission shall meet:

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

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

(A) The chairman.

(B) The executive director.

(C) A quorum of the members of the commission.

Sec. 15. (a) The following rules apply to proceedings of the commission:

(1) Five (5) voting members constitute a quorum.

(2) At least five (5) affirmative votes are required for the commission to take action.

(3) The commission shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

(b) The commission may adopt additional rules for the transaction of business.

Sec. 16. (a) This section does not apply to a member appointed under section 9 of this chapter.

(b) Each commission member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each appointed commission member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

Sec. 17. (a) The commission:

(1) shall coordinate the development of the basin; and

(2) may request assistance of the regional planning commissions affected in the preparation of a comprehensive development plan for the basin.

(b) All planning and development programs of the commission must be approved by the following:

(1) Each regional planning commission affected.

(2) The department.



Sec. 18. The commission may do the following:

- (1) Conduct all studies necessary for the performance of the commission's duties.**
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.**
- (3) When requested, provide recommendations in matters related to the commission's functions and objectives to the following:**
 - (A) Political subdivisions in the basin.**
 - (B) Other public and private agencies.**
- (4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.**

Sec. 19. (a) The commission may receive grants and appropriations from the following:

- (1) Federal, state, and local governments.**
- (2) Individuals, foundations, and other organizations.**

(b) The commission may enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

(c) The commission must expend money appropriated to the commission for the purpose for which the money is appropriated.

Sec. 20. (a) The commission may:

- (1) acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise; and**
- (2) hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property or any interest in that property;**

for the purposes prescribed by this chapter.

(b) The commission may exercise the powers granted by this section for the development of the water resources of the basin.

Sec. 21. The commission may sue and be sued.

Sec. 22. The commission may, with the approval of the regional planning commissions affected and the department, enter into agreements with agencies in another state that are responsible for the planning or development of all or part of the basin in the other state.

Sec. 23. The commission may appoint advisory committees consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission. However, if a county is represented on the commission by an



individual who is not the county surveyor, then the county surveyor is a member of any advisory committee. A member of an advisory committee is not entitled to compensation for the member's services.

Sec. 24. (a) The counties in the basin may budget, appropriate, and disburse an aggregate amount not to exceed fifty thousand dollars (\$50,000) per year to carry out the purposes of the commission under this chapter. The appropriation shall be apportioned among the counties in the basin in direct relationship to the amount of land area lying within the basin boundaries.

(b) The department shall certify the boundaries and the drainage area of each county within the basin after consultation with the respective county surveyors and the United States Army Corps of Engineers. The determination and certification shall be prepared before submission of budgets to the appropriating bodies so that the correct amount can be appropriated.

(c) A regional planning commission may, upon request from the commission, furnish for a reasonable charge the support staff necessary for the commission.

Sec. 25. (a) The commission shall do the following:

(1) Prepare and adopt by majority vote an annual budget.

(2) Submit the budget to each county, municipality, or agency appropriating money for the use of the commission.

(b) After approval of the budget by the commission, money may be expended only as budgeted unless a majority vote of the commission authorizes other expenditure.

(c) Any appropriated amounts remaining unexpended or unencumbered at the end of the year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund by a majority vote of the commission.

(d) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

(1) prescribe the methods and forms for keeping; and

(2) periodically audit;

the accounts, records, and books of the commission.

(e) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:



(1) Applicable statutes.

(2) Procedures established by the commission."

and when so amended that said bill do pass.

(Reference is to HB 1270 as introduced.)

GUTWEIN

Committee Vote: yeas 11, nays 0.

