Reprinted
April 16, 2019

ENGROSSED
HOUSE BILL No. 1270

DIGEST OF HB 1270 (Updated April 15, 2019 8:04 pm - DI 92)

Citations Affected: IC 5-1.2; IC 13-14; IC 14-8; IC 14-11; IC 14-13; IC 14-28; IC 14-30.

Synopsis: Kankakee River basin and Yellow River basin development. Abolishes the Kankakee River basin commission and repeals its statute. Establishes the Kankakee River basin and Yellow River basin development commission (commission) as a public body corporate and
(Continued next page)

Effective: July 1, 2019.

Gutwein, Pressel, Aylesworth, Candelaria Reardon

(SENATE SPONSORS — NIEMEYER, CHARBONNEAU, RANDOLPH LONNIE M)

January 10, 2019, read first time and referred to Select Committee on Government Reduction.
January 16, 2019, amended, reported — Do Pass.
January 22, 2019, read second time, ordered engrossed.
January 23, 2019, engrossed.
January 24, 2019, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Local Government.
April 4, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.
April 9, 2019, amended, reported favorably — Do Pass.
April 15, 2019, read second time, amended, ordered engrossed.

politic. Authorizes the commission to participate in the flood control program operated by the Indiana finance authority. Requires certain state agencies to assist each other in simplifying the permitting process with respect to the flood control activities of the commission. Provides that there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel of real property that is located within any part of the basin within an Indiana county. Requires the default special assessments to be paid to be paid to the commission. Specifies the amount of the default special assessment by parcel category and the commission's permissible uses of the special assessments. Provides that a county fiscal body may adopt a resolution opting to implement one of the following methods of supporting the commission instead of collecting the default special assessments: (1) Paying direct support to the commission in lieu of the default special assessments. (2) Supplementing reduced special assessments with direct support payments. (3) Imposing special assessments that exceed the amount that could be raised through the default special assessments. Provides that direct support must equal at least 90% of the amount that could be raised through the default special assessments. Specifies the amounts that a county may retain in calendar years beginning after December 31, 2022, from special assessments imposed instead of the default special assessments. Establishes an advisory committee to the commission. Requires the commission to coordinate its flood control activities with other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used. Authorizes an Indiana business preference if certain conditions are met. Establishes an Indiana employment goal with respect to contracts for public works awarded by the commission.

Reprinted
April 16, 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.

ENGROSSED
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:

SECTION 1. IC 5-1.2-2-54, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 54. "Participant" means the following:

(1) For purposes of the wastewater program established under IC 5-1.2-10:

(A) a political subdivision; or

(B) any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under the federal Clean Water Act.

(2) For purposes of the drinking water program established under IC 5-1.2-10:

(A) a political subdivision; or

(B) any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under the federal Safe Drinking Water Act.

(3) For purposes of the supplemental program established under IC 5-1.2-11, the Indiana brownfields program established under IC 5-1.2-12, the flood control program established under IC 5-1.2-13, and the water infrastructure assistance program established under IC 5-1.2-14:

(A) a political subdivision; ~~or~~

(B) the Kankakee River basin and Yellow River basin development commission established by IC 14-13-9-6; or

~~(B)~~ **(C)** any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under those chapters.

(4) For purposes of the local transportation infrastructure program established under IC 5-1.2-15:

(A) a political subdivision;

(B) an agency, authority, department, instrumentality, or body corporate and politic acting on behalf of a political subdivision; or

(C) a regional authority, instrumentality, or body corporate and politic acting on behalf of one (1) or more entities described in clause (A) or (B).

SECTION 2. IC 5-1.2-13-12, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. **(a) Except as provided in subsection (b),** a participant receiving a loan or other financial assistance under:

(1) this chapter;

(2) IC 13-2-23 (before its repeal); or

(3) IC 14-28-5 (before its repeal);

may levy an annual tax on personal and real property located within the geographical limits of the participant for flood control purposes. The tax is in addition to any other tax authorized by law to be levied for flood control purposes. The tax shall be levied at the rate that will produce sufficient revenue to pay the annual installment and interest on a loan or other financial assistance made under this chapter, under IC 13-2-23 (before its repeal), or under IC 14-28-5 (before its repeal). The tax at the rate authorized in this section is in addition to the maximum annual rates prescribed by law.

(b) This subsection applies to the participation of the Kankakee River basin and Yellow River basin development commission. If the commission receives a loan or other financial assistance under this chapter, the commission must pay the annual installment and interest on the loan or other financial assistance from any

combination of the direct support payments received under IC 14-13-9-21, the proceeds of special assessments imposed under IC 14-13-9-21, or other funds of the commission deemed acceptable by the authority.

SECTION 3. IC 13-14-1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 18. The department shall coordinate with the department of natural resources and other state agencies to simplify the state permitting process with respect to the flood control activities of the Kankakee River basin and Yellow River basin development commission under IC 14-13-9. The department and other agencies shall assist each other in:**

(1) reducing the number of applications and other interactions required to obtain necessary permits; and

(2) avoiding imposing conflicting requirements upon the commission in issuing permits to the commission.

SECTION 4. IC 14-8-2-20, AS AMENDED BY P.L.4-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20. "Basin" has the following meaning:

(1) For purposes of IC 14-13-9, the meaning set forth in IC 14-13-9-1.

~~(1)~~ **(2)** For purposes of IC 14-25-1, the meaning set forth in section 1.2 of IC 14-25-15-1.

~~(2) For purposes of IC 14-30-1, the meaning set forth in IC 14-30-1-1.~~

(3) For purposes of IC 14-30-2, the meaning set forth in IC 14-30-2-1.

(4) For purposes of IC 14-30-3, the meaning set forth in IC 14-30-3-1.

(5) For purposes of IC 14-30-4, the meaning set forth in IC 14-30-4-1.

SECTION 5. IC 14-8-2-48, AS AMENDED BY P.L.189-2018, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 48. (a) "Commission", except as provided in this section, refers to the natural resources commission.

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

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

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

(e) "Commission", for purposes of IC 14-13-5, has the meaning set

forth in IC 14-13-5-1.

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

(g) "Commission", for purposes of IC 14-13-9, has the meaning set forth in IC 14-13-9-2.

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

~~(h)~~ **(i)** "Commission", for purposes of IC 14-28-4, has the meaning set forth in IC 14-28-4-1.

~~(i) "Commission", for purposes of IC 14-30-1, has the meaning set forth in IC 14-30-1-2.~~

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

(k) "Commission", for purposes of IC 14-30-3, has the meaning set forth in IC 14-30-3-2.

(l) "Commission", for purposes of IC 14-30-4, has the meaning set forth in IC 14-30-4-2.

(m) "Commission", for purposes of IC 14-33-20, has the meaning set forth in IC 14-33-20-2.

SECTION 6. IC 14-8-2-136 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 136. "Kankakee River basin", for purposes of ~~IC 14-30-1,~~ **IC 14-13-9,** has the meaning set forth in ~~IC 14-30-1-3.~~ **IC 14-13-9-3.**

SECTION 7. IC 14-11-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. The department shall coordinate with the department of environmental management and other state agencies to simplify the state permitting process with respect to the flood control activities of the Kankakee River basin and Yellow River basin development commission under IC 14-13-9. The department and other agencies shall assist each other in:**

(1) reducing the number of applications and other interactions required to obtain necessary permits; and

(2) avoiding imposing conflicting requirements upon the commission in issuing permits to the commission.

SECTION 8. IC 14-13-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 9. Kankakee River Basin and Yellow River Basin Development Commission

Sec. 0.5. (a) The Kankakee River basin commission is abolished. Notwithstanding IC 14-30-1, as in effect June 30, 2019, the term of

any member serving on the Kankakee River basin commission expires July 1, 2019.

(b) The county executive from each respective county shall appoint the member described in section 9(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.

(c) Notwithstanding section 12 of this chapter, the term of a member appointed under subsection (b) is two (2) years. After July 1, 2021, the term of a member appointed from a county described in subsection (b) is four (4) years in accordance with section 12 of this chapter.

(d) The county executive from each respective county shall appoint the member described in section 9(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 12 of this chapter.

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

(f) 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.

(g) The executive director and 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.

(h) 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.

(i) This section expires July 1, 2024.

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

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

Sec. 3. As used in this chapter, "Kankakee River basin" means the following areas drained by the Kankakee River and the tributaries of the Kankakee River:

(1) 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 the tributaries of the Kankakee River in Indiana.

(2) 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.

Sec. 4. As used in this chapter, "taxable parcel" refers to a parcel that is not exempt from property taxation under IC 6-1.1-10.

Sec. 4.5. As used in this chapter, "tributaries of the Kankakee River" refers only to rivers and streams that flow into the Kankakee River at confluences located in Indiana.

Sec. 5. 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. 6. The Kankakee River basin and Yellow River basin development commission is established as a public body corporate and politic.

Sec. 7. 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. 8. The commission shall limit the commission's activities to the Kankakee River basin and the Yellow River basin.

Sec. 9. (a) The commission consists of the following individuals:

(1) The director of the department of natural resources, or the director's designee, 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) The county executive of each county in the basin in Indiana

shall appoint a member to represent the county before September 1, 2019. If a county executive fails to make the appointment before September 1, 2019, the county surveyor of that county shall assume the position on September 1, 2019, and serve the term of office prescribed by section 12 of this chapter.

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

Sec. 10. (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 11 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 17 of this chapter; and

(2) may not be elected as an officer of the commission as provided in section 14 of this chapter.

Sec. 11. Each member of the commission appointed under section 9(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. 12. The term of office of a member of the commission is four (4) years and continues until a successor is appointed.

Sec. 13. (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. 14. (a) This section does not apply to a member appointed under section 10 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. 15. 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. 16. (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. 17. (a) This section does not apply to a member appointed under section 10 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. 18. (a) The commission:

(1) shall develop a plan regarding flood control and drainage within the basin;

(2) shall, after June 30, 2019, have exclusive authority to implement drainage and flood control activities within the channels of the Kankakee River and the Yellow River and within the area extending seventy-five (75) feet from the top of each bank of each river;

(3) may participate in the flood control program established under IC 5-1.2-13; and

(4) may acquire interests in land, including easements, for the commission's use in:

(A) providing flood storage; and

(B) the construction of levees and other flood control improvements.

(b) The commission's exclusive authority to implement drainage and flood control activities under subsection (a)(2) includes the authority to do the following:

(1) Bank stabilization.

(2) Tree removal.

(3) The construction and operation of sand traps.

(4) Channel reconstruction.

(5) Sediment removal.

(6) Acquire, construct, and maintain access roads to levees and the channel of each river.

(7) Other actions considered necessary by the commission to carry out this chapter.

(c) A county must first obtain authorization of the commission before performing any work within the area described in subsection (a)(2), unless the county must perform the work in response to an emergency.

Sec. 19. 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. 20. (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. 21. (a) The commission is authorized to provide special benefits to taxpayers in the basin by promoting public safety and economic development that is of public use and benefit through public funds provided by the fiscal bodies of the Indiana counties located in the basin and the special assessments imposed under this chapter.

(b) Except as provided by subsection (c), there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel of real property that is located within any part of the basin within an Indiana county as follows:

(1) For a residential parcel of real property, seven dollars ($7).

(2) For an agricultural parcel of real property, the product of:

(A) one dollar ($1); multiplied by

(B) the number of acres in the parcel.

(3) For a commercial parcel of real property on which no structures are situated, the product of:

(A) two dollars ($2); multiplied by

(B) the number of acres in the parcel.

(4) For a commercial parcel of real property on which at least one (1) structure is situated, fifty dollars ($50).

(5) For an industrial or public utility parcel of real property, three hundred sixty dollars ($360).

(c) A county is not subject to the special assessment imposed by subsection (b) if the county fiscal body adopts a resolution opting to implement one (1) of the following methods of supporting the commission instead:

(1) The county may pay direct support to the commission in lieu of special assessments imposed under subsection (b) from any resources available to the county. Payments of direct support must be made in an amount equal to at least ninety percent (90%) of the amount that the county could raise through special assessments imposed under subsection (b).

(2) The county may:

(A) impose a special assessment for one (1) or more classes of property listed in subsection (b), that is less than the special assessment provided for the class or classes of

property under subsection (b); and

(B) supplement the special assessments by paying direct support to the commission from any resources available to the county;

as long as the total amount raised by the county under this subdivision is at least equal to the amount the county could raise through special assessments imposed under subsection (b).

(3) The county may impose a schedule of special assessments in which:

(A) a special assessment for one (1) or more classes of property listed in subsection (b) is greater than the special assessment provided for the class or classes of property under subsection (b); and

(B) the total amount raised by the county under this subdivision is greater than the amount that could be raised by the county through special assessments imposed under subsection (b).

(d) Payments of direct support under subsection (c)(1):

(1) must be paid in calendar years beginning after December 31, 2020; and

(2) are due at the same time special assessments are paid to the commission under section 22(e) of this chapter.

Sec. 21.5. Before January 1, 2021, the commission must hold at least two (2) public informational meetings in each Indiana county that is located within the basin concerning:

(1) the nature and details of the special assessment described in section 21 of this chapter; and

(2) a description of the flood control and other projects for which the revenue generated from the imposition of a special assessment under section 21 of this chapter will be used.

Sec. 22. (a) In each calendar year beginning after December 31, 2020, the county treasurer shall do the following with respect to the property tax statement of a person owning a taxable parcel subject to a special assessment imposed under section 21 of this chapter:

(1) Add the amount of the special assessment.

(2) Designate the special assessment in a manner distinct from general taxes.

(3) Indicate that the full annual assessment is due in the year the statement is sent.

(b) A special assessment imposed under section 21 of this chapter must be collected in the same manner as other special

assessments are collected under IC 6-1.1. However, a delinquent special assessment is not subject to enforcement under IC 6-1.1-24 and IC 6-1.1-25. The following apply to the enforcement of a special assessment:

(1) The assessment is not the personal obligation of the owner of the taxable parcel affected by the assessment.

(2) A special assessment constitutes a lien against the taxable parcel.

(3) The lien described in subdivision (2) is superior to all other liens except tax liens and first lien mortgages.

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

(d) For calendar years beginning after December 31, 2020, and ending before January 1, 2023, the county auditor shall pay the total amount of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter. For calendar years beginning after December 31, 2022, the county auditor shall do the following:

(1) In the case of special assessments imposed under section 21(b) of this chapter, the county auditor shall pay the total amount of the special assessments collected by the county treasurer to the commission for deposit under section 25 of this chapter.

(2) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 21(c)(2) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer for the county's use under section 24 of this chapter an amount equal to ten percent (10%) of the amount the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

(3) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 21(c)(3) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer the following amounts for the county's

use under section 24 of this chapter:

(i) The total amount of the special assessments imposed under section 21(c)(3) of this chapter that exceeds the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(ii) An amount equal to ten percent (10%) of the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

(e) The county auditor shall make the payments to the commission required by subsection (d) on the dates of the June and December settlement and apportionment of property taxes collected under IC 6-1.1.

Sec. 23. (a) If:

(1) a county fails to pay direct support or special assessments to the commission when due under section 21 or 22 of this chapter; and

(2) more than thirty (30) days have elapsed since the due date;

the commission shall notify the auditor of state of the county's failure to pay and the amount due from the county. The commission may request that the auditor of state pay the amount due from local income taxes otherwise distributable to the county under IC 6-3.6. The auditor of state shall immediately contact the county auditor and the commission to confirm whether the county is unable to make the required payment. Upon confirming the county's inability to make the payment, the auditor of state shall deduct the amount due from the next distribution of local income taxes payable to the county under IC 6-3.6.

(b) This section must be interpreted liberally to ensure that the obligations of the commission are paid to the extent legally valid. However, this section does not create a debt of the state.

Sec. 24. A county shall use money retained under section 22(d) of this chapter for the following purposes:

(1) To improve flood storage capacity along the tributaries of the Kankakee River and the Yellow River.

(2) Flood control and drainage projects within the basin.

Sec. 25. (a) The commission shall deposit special assessments received under section 22 of this chapter into a segregated account maintained by the commission. Except as provided in subsection

(b), special assessments deposited into the account may not be transferred into other accounts belonging to the commission. Money in the account may be used only for the following purposes:

(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the basin.

(3) To pay the annual installment and interest on a loan or other financial assistance received under IC 5-1.2-13.

(b) The commission shall establish an account for reimbursing landowners for damages incurred through the use of the landowners' land for flood storage. The account consists of money transferred from the segregated account described in subsection (a). The commission may transfer amounts considered appropriate by the commission.

Sec. 26. (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. 27. The commission may sue and be sued.

Sec. 28. 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. 29. (a) There is established an advisory committee consisting of:

(1) the north-northwest regional director of the Indiana Association of Soil and Water Conservation Districts; and

(2) the county surveyor of each Indiana county within the basin.

However, a county surveyor may not be a member of the advisory committee if the county surveyor represents the county on the commission. The county executive of a county represented on the

commission by the county surveyor shall appoint an individual other than the county surveyor to represent the county on the advisory committee.

(b) The commission may appoint other advisory committees consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission.

(c) A member of an advisory committee is not entitled to compensation for the member's services.

Sec. 30. (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. 31. (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.

Sec. 32. The commission shall coordinate its flood control activities with the department and other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used.

Sec. 33. (a) As used in this section, "out-of-state business" refers to a business that is not an Indiana business.

(b) The commission may give a preference to an Indiana business that submits a bid under this article if all of the following apply:

(1) An out-of-state business submits a bid.

(2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

(c) The commission shall establish criteria for determining the following:

(1) Whether a bidder qualifies as an Indiana business under the rules.

(2) When another state's preference is unfavorable to Indiana businesses.

(3) The method by which the preference for Indiana businesses is to be computed.

(d) The commission may not give a preference to an Indiana business that is more favorable to the Indiana business than the other state's preference is to the other state's businesses.

Sec. 34. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if

a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(b) When entering a bid under this chapter for a public works project, each contractor shall provide the commission with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) The goal for a contract awarded by the commission for a public works project is to award the contract to a contractor who:

(1) employs residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enters into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

SECTION 9. IC 14-28-1-22, AS AMENDED BY P.L.195-2017, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

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

(1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.

(2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.

(3) The performance of an activity described in subsection (c)(1) or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.

(4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.

(5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.

(6) The removal of a logjam or mass of wood debris that has accumulated in a river or stream, subject to the following conditions:

(A) Work must not be within a salmonid stream designated under 327 IAC 2-1.5-5 without the prior written approval of the department's division of fish and wildlife.

(B) Work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(C) Except as otherwise provided in Indiana law, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the floodplain. Logs may be maintained in the floodplain if properly anchored or otherwise secured so as to resist flotation or dislodging by the flow of water and placement in an area that is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.

(D) Isolated or single logs that are embedded, lodged, or rooted in the channel, and that do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:

(i) Associated with or in close proximity to larger obstructions.

(ii) Posing a hazard to navigation.

(E) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.

(F) To the extent practicable, the construction of access roads must be minimized, and should not result in the elevation of the floodplain.

(G) To the extent practicable, work should be performed exclusively from one (1) side of a waterway. Crossing the bed of a waterway is prohibited.

(H) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(I) Within fifteen (15) days, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low

endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

(c) A person who desires to:

(1) erect, make, use, or maintain a structure, an obstruction, a deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable minimum fee of two hundred dollars ($200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

(1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

(2) Constitute an unreasonable hazard to the safety of life or property.

(3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is valid for two (2) years after the issuance of the permit; and

(2) to:

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

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

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

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

(h) A permit issued under:

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

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

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

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

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

that is affected.

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

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

(1) inspected; and

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

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

SECTION 10. IC 14-28-1-24, AS AMENDED BY P.L.195-2017, SECTION 46, IS AMENDED TO READ AS FOLLOWS [[EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section does not apply to the reconstruction of a residence located in a boundary river floodway.

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

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

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

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

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

(c) A person who desires to reconstruct an abode or a residence that does not meet the requirements under subsection (b)(2) must file with the director a verified written application for a permit accompanied by

a nonrefundable minimum fee of fifty dollars ($50). An application submitted under this section must do the following:

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

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

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

(1) The abode or residence will be reconstructed:

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

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

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

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

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

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

(6) The abode or residence will be reconstructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located to prevent water from entering or accumulating within the components during conditions of flooding.

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

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

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

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

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

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

(before its repeal);

that is affected by the permit.

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

(i) A person who knowingly:

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

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

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

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

SECTION 11. IC 14-30-1 IS REPEALED [EFFECTIVE JULY 1, 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.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1270, 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:

Delete the amendment adopted by the Senate Committee on Local Government on March 21, 2019.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1.2-2-54, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 54. "Participant" means the following:

(1) For purposes of the wastewater program established under IC 5-1.2-10:

(A) a political subdivision; or

(B) any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under the federal Clean Water Act.

(2) For purposes of the drinking water program established under IC 5-1.2-10:

(A) a political subdivision; or

(B) any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under the federal Safe Drinking Water Act.

(3) For purposes of the supplemental program established under IC 5-1.2-11, the Indiana brownfields program established under IC 5-1.2-12, the flood control program established under IC 5-1.2-13, and the water infrastructure assistance program

established under IC 5-1.2-14:

(A) a political subdivision; ~~or~~

(B) the Kankakee River basin and Yellow River basin development commission established by IC 14-13-9-6; or

~~(B)~~ **(C)** any person, entity, association, trust, or other manner of participant allowed by law to enter contractual arrangements for a purpose eligible for assistance under those chapters.

(4) For purposes of the local transportation infrastructure program established under IC 5-1.2-15:

(A) a political subdivision;

(B) an agency, authority, department, instrumentality, or body corporate and politic acting on behalf of a political subdivision; or

(C) a regional authority, instrumentality, or body corporate and politic acting on behalf of one (1) or more entities described in clause (A) or (B).

SECTION 2. IC 5-1.2-13-12, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. **(a) Except as provided in subsection (b),** a participant receiving a loan or other financial assistance under:

(1) this chapter;

(2) IC 13-2-23 (before its repeal); or

(3) IC 14-28-5 (before its repeal);

may levy an annual tax on personal and real property located within the geographical limits of the participant for flood control purposes. The tax is in addition to any other tax authorized by law to be levied for flood control purposes. The tax shall be levied at the rate that will produce sufficient revenue to pay the annual installment and interest on a loan or other financial assistance made under this chapter, under IC 13-2-23 (before its repeal), or under IC 14-28-5 (before its repeal). The tax at the rate authorized in this section is in addition to the maximum annual rates prescribed by law.

(b) This subsection applies to the participation of the Kankakee River basin and Yellow River basin development commission. If the commission receives a loan or other financial assistance under this chapter, the commission must pay the annual installment and interest on the loan or other financial assistance from any combination of the direct support payments received under IC 14-13-9-21, the proceeds of special assessments imposed under IC 14-13-9-21, or other funds of the commission deemed acceptable by the authority.

SECTION 3. IC 13-14-1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 18. The department shall coordinate with the department of natural resources and other state agencies to simplify the state permitting process with respect to the flood control activities of the Kankakee River basin and Yellow River basin development commission under IC 14-13-9. The department and other agencies shall assist each other in:**

(1) reducing the number of applications and other interactions required to obtain necessary permits; and

(2) avoiding imposing conflicting requirements upon the commission in issuing permits to the commission.".

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 7. IC 14-11-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. The department shall coordinate with the department of environmental management and other state agencies to simplify the state permitting process with respect to the flood control activities of the Kankakee River basin and Yellow River basin development commission under IC 14-13-9. The department and other agencies shall assist each other in:**

(1) reducing the number of applications and other interactions required to obtain necessary permits; and

(2) avoiding imposing conflicting requirements upon the commission in issuing permits to the commission.".

Page 2, line 36, after "Basin" insert "**and Yellow River Basin**".

Page 2, line 42, delete "8(a)(1)" and insert "**9(a)(1)**".

Page 3, line 2, delete "11" and insert "**12**".

Page 3, line 5, delete "8(a)(2)" and insert "**9(a)(2)**".

Page 3, line 13, delete "11" and insert "**12**".

Page 3, line 16, delete "11" and insert "**12**".

Page 3, line 19, delete "8(a)(2)" and insert "**9(a)(2)**".

Page 3, line 27, delete "11" and insert "**12**".

Page 3, line 34, delete "Employees" and insert "**The executive director and employees**".

Page 4, line 3, after "basin" insert "**and the Yellow River basin**".

Page 4, line 5, after "basin" insert "**and Yellow River basin**".

Page 4, delete lines 7 through 16, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "Kankakee River basin" means the following areas drained by the Kankakee River and the tributaries of the Kankakee River:**

(1) 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 the tributaries of the Kankakee River in Indiana.

(2) 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.

Sec. 4. As used in this chapter, "taxable parcel" refers to a parcel that is not exempt from property taxation under IC 6-1.1-10.".

Page 4, line 17, delete "4" and insert "**5**".

Page 4, line 20, delete "5" and insert "**6**".

Page 4, line 20, after "basin" insert "**and Yellow River basin**".

Page 4, line 22, delete "6" and insert "**7**".

Page 4, line 28, delete "7" and insert "**8**".

Page 4, line 29, after "basin" delete "." and insert "**and the Yellow River basin.**".

Page 4, line 30, delete "8" and insert "**9**".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"**(b) The county executive of each county in the basin in Indiana shall appoint a member to represent the county before September 1, 2019. If a county executive fails to make the appointment before September 1, 2019, the county surveyor of that county shall assume the position on September 1, 2019, and serve the term of office prescribed by section 12 of this chapter.**".

Page 4, line 36, delete "(b)" and insert "**(c)**".

Page 4, line 39, delete "9" and insert "**10**".

Page 4, line 41, delete "10" and insert "**11**".

Page 5, line 5, delete "16" and insert "**17**".

Page 5, line 8, delete "13" and insert "**14**".

Page 5, line 9, delete "10" and insert "**11**".

Page 5, line 10, delete "8(a)" and insert "**9(a)**".

Page 5, line 16, delete "11" and insert "**12**".

Page 5, line 18, delete "12" and insert "**13**".

Page 5, line 26, delete "13" and insert "**14**".

Page 5, line 27, delete "9" and insert "**10**".

Page 5, line 41, delete "14" and insert "**15**".

Page 6, line 5, delete "15" and insert "**16**".

Page 6, line 15, delete "16" and insert "**17**".

Page 6, line 16, delete "9" and insert "**10**".

Page 6, line 23, delete "17" and insert "**18**".

Page 6, delete lines 24 through 31, begin a new line block indented and insert:

"**(1) shall develop a plan regarding flood control and drainage within the basin;**

(2) shall, after June 30, 2019, have exclusive authority to implement drainage and flood control activities within the channels of the Kankakee River and the Yellow River and within the area extending seventy-five (75) feet from the top of each bank of each river;

(3) may participate in the flood control program established under IC 5-1.2-13; and

(4) may acquire interests in land, including easements, for the commission's use in:

(A) providing flood storage; and

(B) the construction of levees and other flood control improvements.

(b) The commission's exclusive authority to implement drainage and flood control activities under subsection (a)(2) includes the authority to do the following:

(1) Bank stabilization.

(2) Tree removal.

(3) The construction and operation of sand traps.

(4) Channel reconstruction.

(5) Sediment removal.

(6) Acquire, construct, and maintain access roads to levees and the channel of each river.

(7) Other actions considered necessary by the commission to carry out this chapter.".

Page 6, line 32, delete "18" and insert "**19**".

Page 7, line 3, delete "19" and insert "**20**".

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"**Sec. 21. (a) The commission is authorized to provide special benefits to taxpayers in the basin by promoting public safety and economic development that is of public use and benefit through public funds provided by the fiscal bodies of the Indiana counties located in the basin and special assessments imposed under subsection (b). A county fiscal body may adopt a resolution opting to pay direct support to the commission in lieu of imposing a special assessment under subsection (b). Payments of direct support:**

(1) must be paid in calendar years beginning after December 31, 2019;

(2) must be made in an amount equal to at least ninety percent (90%) of the amount that the county could raise through the

imposition of special assessments under this section; and

(3) are due at the same time special assessments are paid to the commission under section 22(e) of this chapter.

(b) Unless the county fiscal body adopts a resolution under subsection (a) to provide direct support to the commission, the fiscal body of each Indiana county within the basin shall impose in each calendar year beginning after December 31, 2019, an annual special assessment against each taxable parcel of real property that is located within:

(1) the county; and

(2) the basin.

(c) The special assessment for each taxable parcel must be imposed as follows:

(1) For a residential parcel of real property, seven dollars ($7).

(2) For an agricultural parcel of real property, the product of:

(A) one dollar ($1); multiplied by

(B) the number of acres in the parcel.

(3) For a commercial parcel of real property on which no structures are situated, the product of:

(A) two dollars ($2); multiplied by

(B) the number of acres in the parcel.

(4) For a commercial parcel of real property on which at least one (1) structure is situated, fifty dollars ($50).

(5) For an industrial or public utility parcel of real property, three hundred sixty dollars ($360).

Sec. 22. (a) In each calendar year beginning after December 31, 2019, the county treasurer shall do the following with respect to the property tax statement of a person owning a taxable parcel subject to a special assessment imposed under section 21 of this chapter:

(1) Add the amount of the special assessment.

(2) Designate the special assessment in a manner distinct from general taxes.

(3) Indicate that the full annual assessment is due in the year the statement is sent.

(b) A special assessment imposed under section 21 of this chapter must be collected in the same manner as other special assessments are collected under IC 6-1.1. However, a delinquent special assessment is not subject to enforcement under IC 6-1.1-24 and IC 6-1.1-25. The following apply to the enforcement of a special assessment:

(1) The assessment is not the personal obligation of the owner

of the taxable parcel affected by the assessment.

(2) A special assessment constitutes a lien against the taxable parcel.

(3) The lien described in subdivision (2) is superior to all other liens except tax liens and first lien mortgages.

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

(d) For calendar years beginning after December 31, 2019, and ending before January 1, 2022, the county auditor shall pay the total amount of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter. For calendar years beginning after December 31, 2021, the county auditor shall:

(1) pay ninety percent (90%) of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter; and

(2) retain ten percent (10%) of the special assessments collected by the county treasurer for the county's use under section 24 of this chapter.

(e) The county auditor shall make the payments to the commission required by subsection (d) on the dates of the June and December settlement and apportionment of property taxes collected under IC 6-1.1.

Sec. 23. (a) If:

(1) a county fails to pay direct support or special assessments to the commission when due under section 21 or 22 of this chapter; and

(2) more than thirty (30) days have elapsed since the due date;

the commission shall notify the auditor of state of the county's failure to pay and the amount due from the county. The commission may request that the auditor of state pay the amount due from local income taxes otherwise distributable to the county under IC 6-3.6. The auditor of state shall immediately contact the county auditor and the commission to confirm whether the county is unable to make the required payment. Upon confirming the county's inability to make the payment, the auditor of state shall deduct the amount due from the next distribution of local income taxes payable to the county under IC 6-3.6.

(b) This section must be interpreted liberally to ensure that the obligations of the commission are paid to the extent legally valid. However, this section does not create a debt of the state.

Sec. 24. A county shall use money retained under section 22(d) of this chapter to improve flood storage capacity along the tributaries of the Kankakee River and the Yellow River.

Sec. 25. (a) The commission shall deposit special assessments received under section 22 of this chapter into a segregated account maintained by the commission. Except as provided in subsection (b), special assessments deposited into the account may not be transferred into other accounts belonging to the commission. Money in the account may be used only for the following purposes:

(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the basin.

(3) To pay the annual installment and interest on a loan or other financial assistance received under IC 5-1.2-13.

(b) The commission shall establish an account for reimbursing landowners for damages incurred through the use of the landowners' land for flood storage. The account consists of money transferred from the segregated account described in subsection (a). The commission may transfer amounts considered appropriate by the commission.".

Page 7, line 13, delete "20" and insert "**26**".

Page 7, line 22, delete "21" and insert "**27**".

Page 7, line 23, delete "22" and insert "**28**".

Page 7, delete lines 28 through 35, begin a new paragraph and insert:

"**Sec. 29. (a) There is established an advisory committee consisting of:**

(1) the north-northwest regional director of the Indiana Association of Soil and Water Conservation Districts; and

(2) the county surveyor of each Indiana county within the basin.

However, a county surveyor may not be a member of the advisory committee if the county surveyor represents the county on the commission. The county executive of a county represented on the commission by the county surveyor shall appoint an individual other than the county surveyor to represent the county on the advisory committee.

(b) The commission may appoint other advisory committees

consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission.

(c) A member of an advisory committee is not entitled to compensation for the member's services.".

Page 7, line 36, delete "24" and insert "**30**".

Page 8, line 9, delete "25" and insert "**31**".

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"**Sec. 32. The commission shall coordinate its flood control activities with the department and other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used.**

Sec. 33. (a) As used in this section, "out-of-state business" refers to a business that is not an Indiana business.

(b) The commission may give a preference to an Indiana business that submits a bid under this article if all of the following apply:

(1) An out-of-state business submits a bid.

(2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

(c) The commission shall establish criteria for determining the following:

(1) Whether a bidder qualifies as an Indiana business under the rules.

(2) When another state's preference is unfavorable to Indiana businesses.

(3) The method by which the preference for Indiana businesses is to be computed.

(d) The commission may not give a preference to an Indiana business that is more favorable to the Indiana business than the other state's preference is to the other state's businesses.

Sec. 34. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted

gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(b) When entering a bid under this chapter for a public works project, each contractor shall provide the commission with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) The goal for a contract awarded by the commission for a public works project is to award the contract to a contractor who:

(1) employs residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enters into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to HB 1270 as printed January 17, 2019, and amended by the Senate Committee on Local Government on March 21, 2019.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1270, 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:

Page 10, line 9, delete "in lieu of imposing a" and insert "**or a resolution to impose an annual special assessment against each parcel of real property that is located both within the county and within the basin.**".

Page 10, line 10, delete "special assessment under subsection (b).".

Page 10, line 19, delete "Unless the" and insert "**If each**".

Page 10, line 19, delete "resolution under" and insert "**resolution:**

(1) authorizing the imposition of a special assessment; or

(2) opting to pay the direct support to the commission;

the fiscal body of each Indiana county within the basin may impose, in each calendar year, beginning with the first calendar year after each fiscal body has adopted a resolution described in subdivision (1) or (2), an annual special assessment against each taxable parcel of real property that is located both within the county and within the basin.".

Page 10, delete lines 20 through 26.

Page 10, line 42, delete "after December 31," and insert "**with the first calendar year after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**".

Page 11, line 1, delete "2019,".

Page 11, line 24, delete "calendar years beginning after December 31, 2019, and" and insert "**the first three (3) calendar years beginning after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**".

Page 11, line 25, delete "ending before January 1, 2022,".

Page 11, line 28, delete "For calendar years beginning" and insert "**Beginning with the fourth calendar year, and for each subsequent calendar year, after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**".

Page 11, line 29, delete "December 31, 2021,".

and when so amended that said bill do pass.

(Reference is to EHB 1270 as printed April 5, 2019.)

HOLDMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1270 be amended to read as follows:

Page 5, delete lines 3 through 7.

Page 5, line 8, delete "(c)" and insert "**(b)**".

Page 5, line 17, delete "(d)" and insert "**(c)**".

Page 5, line 18, delete "(c)" and insert "**(b)**".

Page 5, line 20, delete "(c)" and insert "**(b)**".

Page 5, line 22, delete "(e)" and insert "**(d)**".

Page 5, line 32, delete "(f)" and insert "**(e)**".

Page 5, line 35, delete "(g)" and insert "**(f)**".

Page 5, line 38, delete "(h)" and insert "**(g)**".

Page 6, line 2, delete "(i)" and insert "**(h)**".

Page 6, line 5, delete "(j)" and insert "**(i)**".

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"**Sec. 4.5. As used in this chapter, "tributaries of the Kankakee River" refers only to rivers and streams that flow into the Kankakee River at confluences located in Indiana.**".

Page 6, delete lines 39 through 40, begin a new line block indented and insert:

"**(1) The director of the department of natural resources, or the director's designee, who is a voting member.**".

Page 9, between lines 21 and 22, begin a new paragraph and insert:

"**(c) A county must first obtain authorization of the commission before performing any work within the area described in subsection (a)(2), unless the county must perform the work in response to an emergency.**".

Page 10, delete lines 3 through 42, begin a new paragraph and insert:

"**Sec. 21. (a) The commission is authorized to provide special benefits to taxpayers in the basin by promoting public safety and economic development that is of public use and benefit through public funds provided by the fiscal bodies of the Indiana counties located in the basin and the special assessments imposed under this chapter.**

(b) Except as provided by subsection (c), there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel OF real property that is located within any part of the basin within an Indiana county as follows:

(1) For a residential parcel of real property, seven dollars ($7).

(2) For an agricultural parcel of real property, the product of:

(A) one dollar ($1); multiplied by

(B) the number of acres in the parcel.

(3) For a commercial parcel of real property on which no structures are situated, the product of:

(A) two dollars ($2); multiplied by

(B) the number of acres in the parcel.

(4) For a commercial parcel of real property on which at least

one (1) structure is situated, fifty dollars ($50).

(5) For an industrial or public utility parcel of real property, three hundred sixty dollars ($360).

(c) A county is not subject to the special assessment imposed by subsection (b) if the county fiscal body adopts a resolution opting to implement one (1) of the following methods of supporting the commission instead:

(1) The county may pay direct support to the commission in lieu of special assessments imposed under subsection (b) from any resources available to the county. Payments of direct support must be made in an amount equal to at least ninety percent (90%) of the amount that the county could raise through special assessments imposed under subsection (b).

(2) The county may:

(A) impose a special assessment for one (1) or more classes of property listed in subsection (b), that is less than the special assessment provided for the class or classes of property under subsection (b); and

(B) supplement the special assessments by paying direct support to the commission from any resources available to the county;

as long as the total amount raised by the county under this subdivision is at least equal to the amount the county could raise through special assessments imposed under subsection (b).

(3) The county may impose a schedule of special assessments in which:

(A) a special assessment for one (1) or more classes of property listed in subsection (b) is greater than the special assessment provided for the class or classes of property under subsection (b); and

(B) the total amount raised by the county under this subdivision is greater than the amount that could be raised by the county through special assessments imposed under subsection (b).

(d) Payments of direct support under subsection (c)(1):

(1) must be paid in calendar years beginning after December 31, 2020; and

(2) are due at the same time special assessments are paid to the commission under section 22(e) of this chapter.

Sec. 21.5. Before January 1, 2021, the commission must hold at least two (2) public informational meetings in each Indiana county

that is located within the basin concerning:

(1) the nature and details of the special assessment described in section 21 of this chapter; and

(2) a description of the flood control and other projects for which the revenue generated from the imposition of a special assessment under section 21 of this chapter will be used.

Sec. 22. (a) In each calendar year beginning after December 31, 2020, the county treasurer shall do the following with respect to the property tax statement of a person owning a taxable parcel subject to a special assessment imposed under section 21 of this chapter:

(1) Add the amount of the special assessment.

(2) Designate the special assessment in a manner distinct from general taxes.

(3) Indicate that the full annual assessment is due in the year the statement is sent.

(b) A special assessment imposed under section 21 of this chapter must be collected in the same manner as other special assessments are collected under IC 6-1.1. However, a delinquent special assessment is not subject to enforcement under IC 6-1.1-24 and IC 6-1.1-25. The following apply to the enforcement of a special assessment:

(1) The assessment is not the personal obligation of the owner of the taxable parcel affected by the assessment.

(2) A special assessment constitutes a lien against the taxable parcel.

(3) The lien described in subdivision (2) is superior to all other liens except tax liens and first lien mortgages.

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

(d) For calendar years beginning after December 31, 2020, and ending before January 1, 2023, the county auditor shall pay the total amount of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter. For calendar years beginning after December 31, 2022, the county auditor shall do the following:

(1) In the case of special assessments imposed under section 21(b) of this chapter, the county auditor shall pay the total amount of the special assessments collected by the county treasurer to the commission for deposit under section 25 of this chapter.

(2) In the case of a county in which the fiscal body adopts a

resolution to impose special assessments under section 21(c)(2) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer for the county's use under section 24 of this chapter an amount equal to ten percent (10%) of the amount the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

(3) In the case of a county in which the fiscal body adopts a resolution to impose special assessments under section 21(c)(3) of this chapter, the county auditor shall do the following:

(A) Retain from the special assessments collected by the county treasurer the following amounts for the county's use under section 24 of this chapter:

(i) The total amount of the special assessments imposed under section 21(c)(3) of this chapter that exceeds the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(ii) An amount equal to ten percent (10%) of the amount that the county could have raised through special assessments imposed under section 21(b) of this chapter.

(B) Pay the remainder of the special assessments collected by the county treasurer under this section to the commission for deposit under section 25 of this chapter.

(e) The county auditor shall make the payments to the commission required by subsection (d) on the dates of the June and December settlement and apportionment of property taxes collected under IC 6-1.1.".

Delete page 11.

Page 12, delete lines 1 through 4.

Page 12, line 24, delete "to improve flood storage capacity along the" and insert "**for the following purposes:**

(1) To improve flood storage capacity along the tributaries of

the Kankakee River and the Yellow River.

(2) Flood control and drainage projects within the basin.".

Page 12, delete line 25.

(Reference is to EHB 1270 as printed April 10, 2019.)

NIEMEYER