

## SENATE BILL No. 399

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-27-3.

**Synopsis:** Levees. Provides that a county may pay the costs incurred by a committee in charge of a levee for maintenance or repairs on a levee and later be reimbursed through the assessment of the land benefited by the maintenance or repairs. (Current law requires that the county pay the costs of maintenance or repairs on a levee and later be reimbursed through the assessment of the land benefited by the maintenance or repairs.) Allows a committee in charge of a levee to raise the necessary money to pay the cost of maintenance or repairs on a levee.

**Effective:** July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Natural Resources.

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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 399

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A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-27-3-7, AS AMENDED BY P.L.108-2013,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 7. (a) The committee placed in charge of the levee  
4 may perform maintenance and make all necessary repairs to the levee  
5 that are necessary to keep the levee in original condition. However, the  
6 committee shall perform the maintenance of and repairs to the levee  
7 that are necessary to maintain federal certification of the levee. The  
8 committee shall notify the county executive not later than ten (10) days  
9 after a change in the status of a levee that no longer meets the  
10 requirements necessary to maintain federal certification. If it becomes  
11 necessary for the safety of the levee to change the line and location of  
12 the levee at any point in making the repairs, the committee may make  
13 the change. However, the committee may not change or relocate the  
14 general line or location of the levee.  
15 (b) The committee shall do the following:  
16 (1) Keep a record of the committee's proceedings.



1 (2) Note in the record all expenses incurred in making the repairs.

2 (3) File with the county auditor a statement showing the cost and  
3 expenses of making the repairs, specifying the amounts due each  
4 person.

5 (c) **If approved by the county council and county executive**, the  
6 auditor ~~shall~~ **may** draw a warrant on the county treasurer in favor of  
7 each person for the amount due the person. The amounts shall be paid  
8 out of the county revenue but reimbursed to the county.

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

13 SECTION 2. IC 14-27-3-8, AS AMENDED BY P.L.108-2013,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2015]: Sec. 8. (a) To raise the necessary money to reimburse  
16 the county **under section 7 of this chapter or to pay the cost of**  
17 **maintenance or repairs on the levee**, the committee in charge of a  
18 levee shall apportion and assess the costs upon the land and  
19 corporations to be benefited by the repairs in proportion to the benefits  
20 not more than ninety (90) days after filing the statement of costs and  
21 expenses for repairs under section 7(b)(3) of this chapter. The costs  
22 may not exceed the benefits. However, if the repairs have been made  
23 necessary by the act or negligence of:

24 (1) the owner or occupant of land; or

25 (2) an employee or agent of the owner or occupant;

26 the cost of the repairs shall be assessed against that land alone.

27 (b) If a committee in charge of a levee:

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

30 (2) has not:

31 (A) reimbursed the county for the costs and expenses for  
32 repairs to the levee; or

33 (B) apportioned and assessed the costs upon the land and  
34 corporations benefited by the repairs as required in subsection

35 (a);

36 the committee in charge of a levee shall, before September 29, 2013,  
37 apportion and assess the costs upon the land and corporations benefited  
38 by the repairs as required by subsection (a).

