

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1376 be amended to read as follows:

- 1 Page 28, between lines 25 and 26, begin a new paragraph and insert:
2 "SECTION 42. IC 14-13-2-3.3 IS ADDED TO THE INDIANA
3 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
4 [EFFECTIVE JULY 1, 2012]: **Sec. 3.3. As used in this chapter,**
5 **"parcel" has the meaning set forth in 50 IAC 26-2-31.**
6 SECTION 43. IC 14-13-2-6, AS AMENDED BY HEA 1264-2012,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) and
9 ~~section sections~~ **18.5 and 18.6** of this chapter, the commission may
10 operate in the manner provided in this chapter only in the geographic
11 area within and extending one (1) mile from the bank of the west arm
12 of the Little Calumet River and Burns Waterway in Lake County and
13 Porter County. **However, to address flooding issues within this**
14 **geographic area, the commission may operate in the manner**
15 **provided in this chapter in areas that include tributaries to the**
16 **Little Calumet and Burns Waterways, including the Deep River**
17 **watershed, within Lake County.**
18 (b) The commission does not have the power of eminent domain for
19 the construction of marina facilities north of U.S. Highway 12 or south
20 of that point where the west arm of the Little Calumet River meets
21 Burns Waterway. The commission's activities north of U.S. Highway
22 12 and within and adjacent to Burns Waterway are restricted to those
23 activities that the commission determines to be necessary for the
24 following:
25 (1) Channeling and maintenance.
26 (2) Construction of breakwaters.
27 SECTION 44. IC 14-13-2-7, AS AMENDED BY HEA 1264-2012,
28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: Sec. 7. (a) The commission has:
30 (1) before July 1, 2012, five (5) members appointed by the

- 1 governor; and
 2 (2) after June 30, 2012, nine (9) members appointed by the
 3 governor.
 4 (b) The following requirements apply to the governor's
 5 appointments under subsection (a)(1):
 6 (1) One (1) member must be a representative of the department of
 7 natural resources. The member may not be an employee or elected
 8 official of a city, town, or county governmental unit.
 9 (2) The remaining four (4) members must meet the following
 10 requirements:
 11 (A) Four (4) members must reside in a:
 12 (i) city;
 13 (ii) town; or
 14 (iii) township (if the member resides in an unincorporated
 15 area of the county);
 16 that borders the Little Calumet River.
 17 (B) At least three (3) of the members must have a background
 18 in:
 19 (i) construction;
 20 (ii) project management; or
 21 (iii) flood control;
 22 or a similar professional background.
 23 (C) A member may not be an employee or elected official of
 24 a city, town, or county governmental unit.
 25 (c) The following apply to the membership of the commission after
 26 June 30, 2012:
 27 (1) Before August 1, 2012, the governor shall appoint four (4)
 28 additional members to the commission for four (4) year terms as
 29 follows:
 30 (A) One (1) member nominated by the mayor of a city having
 31 a population of more than eighty thousand five hundred
 32 (80,500) but less than one hundred thousand (100,000).
 33 (B) One (1) member nominated by the mayor of a city having
 34 a population of more than eighty thousand (80,000) but less
 35 than eighty thousand four hundred (80,400).
 36 (C) Two (2) members nominated by the board of county
 37 commissioners of Lake County.
 38 (2) Notwithstanding section 8 of this chapter, the term of the
 39 member described in subsection (b)(1) expires January 7, 2013.
 40 The governor shall appoint one (1) member nominated by the
 41 department of natural resources for a four (4) year term beginning
 42 January 7, 2013.
 43 (3) Notwithstanding section 8 of this chapter, the terms of the
 44 members described in subsection (b)(2) expire January 1, 2014.
 45 The governor shall appoint for four (4) year terms beginning
 46 January 1, 2014, four (4) members, each of whom must have been

- 1 nominated by the executive of a municipality located in the
 2 watershed other than a city described in subdivision (1).
- 3 (4) A member appointed to succeed a member appointed under
 4 subdivision (1) or (2) must be nominated by the nominating
 5 authority that nominated the member's predecessor, and a member
 6 appointed to succeed a member appointed under subdivision (3)
 7 must be nominated by the executive of a municipality located in
 8 the watershed other than a city described in subdivision (1).
- 9 (d) The following apply to a member appointed under subsection (c)
 10 and to any member appointed to succeed a member appointed under
 11 subsection (c):
- 12 (1) After July 31, 2012, not more than five (5) members of the
 13 commission may belong to the same political party.
- 14 (2) Each member must have a background in:
- 15 (A) construction;
 16 (B) project management;
 17 (C) flood control; or
 18 (D) a similar professional background.
- 19 (3) A member may not be an employee or elected official of a
 20 city, town, or county governmental unit.
- 21 ~~(4) Neither the two (2) members appointed under subsection~~
 22 ~~(c)(3) nor any two (2) members appointed to succeed them may~~
 23 ~~be from the same municipality.~~
- 24 **(4) The members:**
- 25 **(A) appointed under subsection (c)(3); or**
 26 **(B) appointed to succeed members appointed under**
 27 **subsection (c)(3);**
 28 **must be from different municipalities.**
- 29 (5) Neither the two (2) members appointed under subsection
 30 (c)(1)(C) nor any two (2) members appointed to succeed them
 31 may be from the same district created under IC 36-2-2-4(b).
- 32 SECTION 45. IC 14-13-2-18.6, AS ADDED BY HEA 1264-2012,
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 18.6. (a) Each year, the county treasurer shall add
 35 to the property tax statements of a person owning the taxable parcel
 36 affected by a special assessment imposed under section 18.5 of this
 37 chapter, designating the special assessment in a manner distinct from
 38 general taxes, and indicating that the full annual assessment is due in
 39 the year the statement is sent.
- 40 (b) An assessment imposed under section 18.5 of this chapter shall
 41 be collected in the same manner as other special assessments are
 42 collected under IC 6-1.1, except for the following:
- 43 (1) An assessment is not the personal obligation of the owner of
 44 the taxable parcel affected by the assessment, and only the taxable
 45 parcel actually affected by an assessment shall be sold for
 46 delinquency.

- 1 (2) An annual assessment shall be paid in full on or before the
2 date the first installment of property taxes is due.
- 3 (c) At the time of each annual tax settlement, the county treasurer
4 shall certify to the county auditor the amount of the special assessments
5 collected.
- 6 (d) The county auditor shall pay special assessments collected by
7 the county treasurer under this section to the commission.
- 8 (e) Special assessments collected under this section shall be
9 deposited into a segregated account within the fund. Special
10 assessments deposited into the account may not be transferred into
11 other accounts within the fund. Money in the account may be used only
12 for the following purposes:
- 13 (1) To pay expenses directly related to the acquisition,
14 construction, or improvement of real property, a facility, a
15 betterment, or an improvement constituting part of a project of the
16 commission, including acquisition of the site for a project.
- 17 (2) To pay expenses directly related to the operation, repair, and
18 maintenance of flood protection systems within the watershed.
- 19 (3) To repay bonds issued for the purposes described in
20 subdivision (1).
- 21 (4) To make the transfers required by subsection (f).
- 22 (f) Subject to subsection (g), the commission shall transfer money
23 from the segregated account referred to in subsection (e) to the
24 northwest Indiana regional development authority established by
25 IC 36-7.5-2-1 as follows:
- 26 (1) Two million four hundred thirty thousand dollars (\$2,430,000)
27 on July 1, 2013.
- 28 (2) One million four hundred sixty thousand dollars (\$1,460,000)
29 on July 1, 2014.
- 30 (3) Nine hundred twenty thousand dollars (\$920,000) on July 1,
31 2015.
- 32 (4) Six hundred ninety thousand dollars (\$690,000) on July 1,
33 2016.
- 34 (5) Five hundred thousand dollars (\$500,000) on July 1, 2017.
- 35 (g) The commission may postpone or reduce the amount of a
36 transfer required by subsection (f) by adopting a resolution, with at
37 least two-thirds (2/3) of the members voting in the affirmative,
38 declaring that an emergency exists. For purposes of this subsection, an
39 emergency may include the following:
- 40 (1) A determination that the amount of assessments paid before
41 July 1, 2013, is insufficient to make the transfer required under
42 subsection (f)(1) on July 1, 2013.
- 43 (2) A demand from the Army Corps of Engineers for payment in
44 an amount that would prevent the commission from complying
45 with the transfer schedule set forth in subsection (f).
- 46 **(h) The total amount to be transferred to the northwest Indiana**

1 **regional development authority under the schedule set forth in**
2 **subsection (f), as amended for the reasons specified in subsection**
3 **(g), is six million dollars (\$6,000,000).".**

4 Renumber all SECTIONS consecutively.
(Reference is to EHB 1376 as printed February 24, 2012.)

Senator KENLEY