



January 27, 2023

2023 Indiana General Assembly

Bills of INAFSM Interest

Senate Bill 242: *DNR Best Floodplain Mapping Data*

Senate Bill 385: *Floodplain Disclosures*

Senate Bill 412: *Natural Resource Matters*

House Bill 1639: *Watershed Development Commissions*

Important Dates for the 2023 Session of the Indiana Legislature:

Monday January 9, 2023 – Last day the session must reconvene.

Monday February 27, 2023 – Last day for Third Reading of House Bills in the House.

Tuesday February 28, 2023 – Last day for Third Reading of Senate Bills in the Senate.

Monday April 17, 2023 – Last day for Third Reading of Senate Bills in the House

Tuesday April 18, 2023 – Last day for Third Reading of House Bills in the Senate.

Saturday April 29, 2023 – Last day for Adjournment of both Houses.

Senate Bill 242 DNR Best Floodplain Mapping Data

<https://iga.in.gov/legislative/2023/bills/senate/242>

Introduced by Senators Leising, Garten

Referred to Senate Committee on Natural Resources

Committee Hearing Date: January 19, 2023 Statehouse Room 130

Committee Vote: 6 – 2

2nd Reading Date: January 26, 2023

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Repeals a provision in the Flood Control Act that requires a local floodplain administrator to use the "best floodplain mapping data available" when reviewing an application for a permit to authorize construction in or near a floodplain.

What it Means: Not entirely clear. The information on the IDNR Division of Water website will not be removed. Deletion of the language from State law does **not** impact local ordinances, which still require Floodplain Administrators to check with IDNR for BFE's and floodway boundaries in areas that do not have detailed information on FEMA FIRM's.

Senate Bill 385 *Floodplain Disclosures*

<https://iga.in.gov/legislative/2023/bills/senate/385>

Introduced by Senator Raatz

Referred to Senate Committee on Judiciary

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Requires an owner of residential real estate to disclose on the sales disclosure form if any portion of the real estate is located in a floodplain. Repeals a statute concerning floodplain mapping.

What it Means: Would require disclosure if **any** part of a property is within a floodplain when a property is sold. Also includes same action as Senate Bill 242.

Senate Bill 412 *Natural Resource Matters*

<https://iga.in.gov/legislative/2023/bills/senate/412>

Introduced by Senator Glick

Referred to Senate Committee on Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Natural resources matters. Authorizes the division of water of the department of natural resources to file, in the deed records of a county recorder's office, an affidavit stating that a violation or deficiency that is the subject of an enforcement action exists on a particular property in the county. Provides that: (1) the affidavit must be designed to provide notice of the violation or deficiency to any prospective transferee of the property or any contractor that intends to perform work on the property; and (2) the affidavit shall be removed from the deed records of the county when the violation or deficiency is resolved. Amends the law requiring the natural resources commission to adopt certain rules concerning lakes and reservoirs. Amends the flood control law, which requires a permit to create or maintain a structure, obstruction, deposit, or excavation in a floodway, to: (1) require a person who files a permit application to provide documentation of the person's ownership of the site where the proposed work will be performed or an affidavit from the owner of the site authorizing the performance of the proposed work; (2) allow an applicant to file an amendment to the person's permit application; and (3) provide that two or more persons may jointly apply for a permit. Amends the floodplain management law to: (1) require a permit for the creation, use, or maintenance of a structure, obstruction, deposit, or excavation on any state owned property or state managed property in a floodplain; and (2) provide that the lowest floor of any structure erected on state owned property or state managed property in a floodplain must be least two feet above the 100 year frequency flood elevation. Amends the timber buyers' law to provide that information in a timber buyer's records about the timber buyer's transactions with a particular timber grower may be disclosed to that timber grower.

What it Means: Makes revisions and additions to Indiana Department of Natural Resources permitting statute requiring affidavit for enforcement actions on properties, requires additional information at the time of permit application submittal regarding project site ownership, requires permits for projects on State property.

House Bill 1639 *Watershed Development Commissions*

<https://iga.in.gov/legislative/2023/bills/house/1639>

Introduced by Representative Aylesworth

Referred to House Committee on Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Watershed development commissions. Provides that the executives of one or more counties may adopt ordinances designating their counties as members of a proposed watershed development commission (commission) and that the proposed commission is established as a legal entity with the counties as its members if it is recognized by the natural resources commission. Requires the natural resources commission, in deciding whether to recognize a proposed commission, to answer certain questions. Provides that a nonmember county may become a member of an established commission if its membership is accepted by the member counties and recognized by the natural resources commission. Requires the department of natural resources (department), with the approval of the natural resources commission, to certify the area of a member county that is within a commission's designated watershed. Sets forth certain flood damage reduction and drainage purposes for which a commission may be established. Provides that a commission may also have water quality purposes if the board develops a water quality improvement plan that is approved by the natural resources commission. Requires a commission to develop a flood damage reduction and drainage plan for its designated watershed and grants a commission exclusive authority to perform drainage and flood damage reduction activities within the channel of the river that is the surface water outlet of the commission's designated watershed. Authorizes, however, a commission to enter into an interlocal cooperation agreement with an existing local governmental entity having some flood damage reduction authority to apportion authority and financial support between the two entities. Provides for a commission to be governed by a board that includes the director of the department (or the director's designee) and one representative of each member county. Provides that the board of a single county commission also includes the county surveyor. Establishes an advisory committee for each commission to provide counsel to the board. Provides for the funding of a commission through an annual special assessment against each taxable parcel of real property that is located: (1) in a member county; and (2) within the designated watershed of the commission. Establishes maximum assessment levels and allows the board of a commission to reduce the special assessment to lower levels. Authorizes a member county to adopt any of three alternative methods of funding the commission. Authorizes a commission to give preference to an Indiana business over an out-of-state business in contracting for public works. Allows the Maumee River basin commission, the St. Joseph River basin commission, or the Upper Wabash River basin commission to transform into a watershed

development commission if the county executives of all participating counties, by vote of at least two of the three members of the county executive, approve the proposed transformation. Provides that if the St. Joseph River basin commission is transformed into a watershed development commission, the members of the St. Joseph River basin commission become members of the watershed development commission's advisory committee.

What it Means: As stated would allow, but does not require, counties to come together and form watershed development commissions, as has been done for the Little Calumet River, the Kankakee and Yellow Rivers. Also allows assessment of property owners to fund management and projects within the watershed but requires development of a plan for management and projects. Similar bills have been filed by this representative the previous two sessions.