



## 2022 Indiana General Assembly

### Bills of INAFSM Interest

Senate Bill 35: *Logjam Removal Fund*

Senate Bill 85: *Drainage Task Force*

Senate Bill 255: *Climate and Environmental Justice Task Force*

Senate Bill 269: *Regulation of Dams*

Senate Bill 342: *Floodplain Management*

Senate Bill 412: *Regulation of Coal Combustion Residuals*

House Bill 1036: *Watershed Development Commissions*

House Bill 1139: *Regulation of Dams*

House Bill 1287: *Climate Change Commission*

House Bill 1327: *Ownership of Kankakee Meanderlands*

House Bill 1334: *Property Tax Deduction for Wetlands*

House Bill 1335: *Closure of Coal Combustion Residual Impoundments*

### **Important Dates for the 2022 Short Session of the Indiana Legislature:**

Monday January 10, 2022 – Last day the session must reconvene.

Monday January 31, 2022 – Last day for Third Reading of House Bills in the House.

Tuesday February 1, 2022 – Last day for Third Reading of Senate Bills in the Senate.

Monday February 28, 2022 – Last day for Third Reading of Senate Bills in the House.

Monday February 28, 2022 – Last day for House Adoption of Conference Committee Reports.

Tuesday March 1, 2022 – Last day for Third Reading of House Bills in the Senate.

Tuesday March 1, 2022 – Last day for Senate Adoption of conference Committee Reports.

Monday March 14, 2022 – last day for Adjournment of both Houses.

**Senate Bill 35 *Logjam Removal Fund***

<http://iga.in.gov/legislative/2022/bills/senate/35>

Introduced by Senators Kruse, Raatz

Referred to Senate Committee on  
Appropriations

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Establishes the logjam removal fund through the Department of Natural Resources for the purpose of removing logjams or obstructions in waterways.

**What it Means:** The fund would consist of monies appropriated by the General Assembly. Funds could not be used on ditches or man-made channels.

**Senate Bill 85 *Logjam Removal Fund***

<http://iga.in.gov/legislative/2022/bills/senate/85>

Introduced by Senators Leising, Glick, Raatz

Referred to Senate Committee on Natural Resources

Committee Hearing Date: January 10, 2022, Statehouse Room 130

Committee Vote: 6 – 0, pass

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Establishes a drainage task force consisting of six members of the senate, six members of the house of representatives, and six other individuals. Requires the task force to: (1) review the responsibilities of landowners and state and local authorities under current laws relating to the drainage of land; (2) make certain determinations concerning drainage and regulatory matters; and (3) determine whether the balance between state authority and local authority over drainage of agricultural land favors state authority more in Indiana than in neighboring states. Authorizes the task force to make recommendations. Requires the task force to issue a report and, not later than December 1, 2023, submit the report to the executive director of the legislative services agency for distribution to the members of the general assembly and to the governor.

**What it Means:** After information was provided during testimony last session for Senate Bill 389, additional scrutiny of state and local laws, rules and regulations will occur. Other members of the task force will represent the Department of Natural Resources, the Department of Environmental Management, a County Drainage Board, a Soil and Water Conservation District and two agricultural interests' representatives.

**Senate Bill 255 *Climate and Environmental Justice Task Force***

<http://iga.in.gov/legislative/2022/bills/senate/255>

Introduced by Senator Alting

Referred to Senate Committee on  
Environmental Affairs

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Establishes the climate and environmental justice task force (task force). Provides that the task force consists of 17 members. Requires the task force to: (1) develop a climate action plan that recommends policies the state should implement to systematically mitigate climate change, facilitate adaptation to the effects of climate change in Indiana, and simultaneously enhance statewide economic development; and (2) not later than November 1, 2022, submit the climate action plan to the executive director of the legislative services agency for distribution to the members of the general assembly and the governor. Requires the utility regulatory commission, not later than June 1, 2022, to issue a report forecasting the greenhouse gas emissions that will be produced by the power generation of Indiana's investor-owned utility companies in each year from 2022 to 2050, based on the investor-owned utility companies' current integrated resource plans.

**What it Means:** Very large task force to examine climate change issues and impacts on several sectors of state economy and populations.

**Senate Bill 269 Regulation of Dams**

<http://iga.in.gov/legislative/2022/bills/senate/269>

Introduced by Senator Donato

Referred to Senate Committee on Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Provides that the laws regulating dams apply only to a structure that meets two or more of the following conditions: (1) Exceeds 20 feet in height. (2) Has a drainage area above the dam of more than one square mile. (3) Impounds a volume of more than 100 acre-feet of water. Requires the department of natural resources (department) to establish a classification system for dams based on: (1) the height of the structure and the volume of water impounded by the structure; and (2) the force of the water and the likely consequences resulting from the uncontrolled release of its contents due to a failure or mis-operation of the structure. Changes the classification categories for dams from high hazard, significant hazard, and low hazard to high capacity, significant capacity, and low capacity. Changes the standard to determine potential consequences for a failure from "may cause" to "likely to cause". Requires the department to have jurisdiction over a dam to raise the dam's classification to high capacity upon receiving a request from a downstream owner. Provides that changes to the law do not affect past inspections.

**What it Means:** Would significantly alter existing law administered by the Department of Natural Resources by reducing number of dams subject to Department's jurisdiction.

**Senate Bill 342 Floodplain Management**

<http://iga.in.gov/legislative/2022/bills/senate/342>

Introduced by Senators Raatz, Kruse

Referred to Senate Committee on Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Prohibits the director of the department of natural resources from exercising the director's statutory authority to remove or eliminate an abode or residence from a floodway if: (1) a permit for the construction of the abode or residence was issued by the county in which the abode or residence was constructed; (2) the location of the abode or residence was not shown as being within a special flood hazard area in the Federal Emergency Management Agency Flood Insurance Rate Maps available to the county official when the county official issued the permit; (3) the abode or residence was built in compliance with the county construction permit; and (4) the county official who issued the permit did so in good faith and in the belief that the construction of the abode or residence would not violate the prohibition against building an abode or residence in a floodway.

**What it Means:** May allow residences in the floodway under certain circumstances and may impact local and/or state participation in the National Flood Insurance Program.

**Senate Bill 412 *Regulation of Coal Combustion Residuals***

<http://iga.in.gov/legislative/2022/bills/senate/412>

Introduced by Senators Pol and Glick

Referred to Senate Committee on  
Environmental Affairs

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

House Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Establishes a state policy favoring beneficial uses of coal combustion residuals (CCR). Provides that the rules of the environmental rules board may not allow CCR to be disposed of if, after the disposal, any of the CCR: (1) would be within a 500-year flood plain; (2) would be in contact with ground water; (3) could migrate into the uppermost aquifer; (4) would be left in an unstable area; or (5) would be in a seismic impact zone. Requires that the CCR disposal rules of the environmental rules board and the state permit program implementing the federal CCR rule be at least as protective and comprehensive as the federal CCR rule. Defines "closure in place" and prohibits the department from approving the closure in place of a CCR surface impoundment if: (1) the CCR surface impoundment is within a 500-year flood plain; (2) any of the CCR disposed of in the CCR surface impoundment would be in contact with ground water; or (3) CCR could migrate into the uppermost aquifer after the closure in place. Makes corresponding changes and a technical correction.

**What it Means:** Would keep coal combustion residuals out of 500-year floodplains.



**House Bill 1036: Watershed Development Commissions**

<http://iga.in.gov/legislative/2022/bills/house/1036>

Introduced by Representative Aylesworth      Referred to House Committee on Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Provides that the executives of one or more counties may adopt ordinances designating their counties as members of a proposed watershed development commission and that the proposed watershed development 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 watershed development commission, to answer certain questions. Provides that a nonmember county may become a member of an established watershed development 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 watershed development commission's designated watershed. Sets forth certain flood control and drainage purposes for which a watershed development commission may be established. Requires a watershed development commission to develop a flood control and drainage plan for its designated watershed and grants a watershed development commission exclusive authority to perform drainage and flood control activities within the channel of the river that is the surface water outlet of the commission's designated watershed. Provides for a watershed development 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. Establishes an advisory committee for each watershed development commission to provide counsel to the board. Provides for the funding of a watershed development 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 watershed development commission. Authorizes a member county to adopt any of three alternative methods of funding the watershed development commission. Authorizes a watershed development 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 be transformed 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.

**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, and the St. Joseph River (north central). Also allows assessment of property owners to fund management and projects within the watershed but requires development of a plan for management and projects.

**House Bill 1139: Regulation of Dams**

<http://iga.in.gov/legislative/2022/bills/house/1139>

Introduced by Representative Leonard

Referred to House Committee Natural Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Provides that the laws regulating dams apply only to a structure that meets two or more of the following conditions: (1) Exceeds 20 feet in height. (2) Has a drainage area above the dam of more than one square mile. (3) Impounds a volume of more than 100 acre-feet of water. Requires the department of natural resources (department) to establish a classification system for dams based on: (1) the height of the structure and the volume of water impounded by the structure; and (2) the force of the water and the likely consequences resulting from the uncontrolled release of its contents due to a failure or mis-operation of the structure. Changes the classification categories for dams from high hazard, significant hazard, and low hazard to high capacity, significant capacity, and low capacity. Changes the standard to determine potential consequences for a failure from "may cause" to "likely to cause". Requires the department to have jurisdiction over a dam to raise the dam's classification to high capacity upon receiving a request from a downstream owner. Provides that changes to the law do not affect past inspections.

**What it Means:** House version of senate Bill 269.

**House Bill 1287: Climate Change Commission**

<http://iga.in.gov/legislative/2022/bills/house/1287>

Introduced by Representative Hamilton

Referred to House Committee on  
Environmental Affairs

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Establishes the Indiana climate change mitigation and resilience commission.

**What it Means:** Somewhat similar to the task force that would be established under SB 255 but different in some of the study areas and the commission would last until end of 2030.

**House Bill 1327: Ownership of Kankakee Meanderlands**

<http://iga.in.gov/legislative/2022/bills/house/1327>

Introduced by Representative Gutwein

Referred to House Committee Natural  
Resources

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Requires the Department of Natural Resources to offer to grant and convey by deed to an eligible property owner not more than four acres of the property along the Kankakee River known as the Kankakee Meanderlands Wetland Conservation Area that abuts the private property of the eligible property owner. Defines "eligible property owner".

**What it Means:** Would require the State to give away a portion of a Wetland Conservation Area to eligible adjacent property owner(s).

***House Bill 1334: Property Tax Deduction for Wetlands***

<http://iga.in.gov/legislative/2022/bills/house/1334>

Introduced by Representative Boy

Referred to House Committee on Ways and Means

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Provides a property tax deduction for a person's qualified wetlands area. Defines "qualified wetlands area". Requires a person to provide a wetland delineation report to the county auditor to be eligible for the deduction.

**What it Means:** 100% reduction in assessed value of wetland area.

**House Bill 1335: Closure of Coal Combustion Residual Impoundments**

<http://iga.in.gov/legislative/2022/bills/house/1335>

Introduced by Representative Boy

Referred to House Committee on  
Environmental Affairs

Committee Hearing Date: Not yet scheduled.

Committee Vote:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

Senate Vote:

Senate Committee Hearing:

2<sup>nd</sup> Reading Date:

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: Requires the owner or operator of a coal combustion residuals (CCR) surface impoundment: (1) that is located in a 500 year flood zone, has caused a statistically significant increase in groundwater contamination, or does not have a composite liner that meets certain requirements; or (2) that is otherwise subject to a federal or state closure requirement; to remove all CCR from the CCR surface impoundment, return the site of the CCR surface impoundment to a nonerosive and stable condition, and either transfer the CCR for disposal in a landfill that meets certain requirements or put the CCR to an encapsulated beneficial use. Requires that the CCR be put to an encapsulated beneficial use whenever possible. Requires the owner or operator of a CCR surface impoundment to monitor for dust problems during removal of the CCR from the surface impoundment and requires the use of dust controls in the removal, transfer, and disposal of the CCR to minimize dust pollution. Requires the owner or operator of a CCR surface impoundment from which the CCR are being removed, in consultation with local government officials, to develop a plan for transporting the CCR after it is removed from the surface impoundment. Prohibits the department of environmental management (department) from approving a plan for closure of a CCR surface impoundment that does not meet these requirements. Requires the department to hold a public hearing on the approval or denial of a plan for the closure of a CCR surface impoundment.

**What it Means:** Similar to Senate Bill 412.