



2020 Indiana General Assembly

Bills of INAFSM Interest

~~Senate Bill 46: Stormwater Fee Exemptions (revised)~~

Senate Bill 100: Nonconforming Structures (revised)

Senate Bill 229: IDEM Permits for Regulated Drain Work in State Isolated Wetlands

~~Senate Bill 321: Public/Private Rights along Lake Michigan Shore~~

~~Senate Bill 338: Restrictions on New Conservancy Districts~~

Senate Bill 366: County Payments to the Kankakee River Yellow River Basin Development Commission (Bill has passed both Chambers)

Senate Bill 430: Establishment of Reservoir Conservancy District (Bill has passed both Chambers)

Senate Bill 433: Removal of a Residence from the Floodway (revised)

~~Senate Bill 450: Low Head Dams~~

~~House Bill 1031: Public/Private Rights along Lake Michigan Shore~~

House Bill 1099: Low Head Dams (Bill has passed both Chambers)

~~House Bill 1245: Establishment of the Pigeon Creek Commission~~

~~House Bill 1254: Flood Control Improvement District Projects~~

~~House Bill 1318: Emergency Levee Repair; IDEM/IDNR Permitting Improvements Report~~

~~House Bill 1342: Removal of a Residence from the Floodway~~

~~House Bill 1415: Regulated Drains and Environmental Concerns~~

—————: Bills now dead for this session since did not pass out of originating chamber. Bills also died in second chamber if did not pass out of committee.

Senate Bill 46: Stormwater Fee Exemptions (revised)

<http://iga.in.gov/legislative/2020/bills/senate/46>

Introduced by Senator Freeman

Referred to Senate Committee on Local Government

Committee Hearing Date:	January 23, 2020	9:00 a.m., Room 233
Committee Vote:	No Vote	
Committee Hearing Date:	January 30, 2020	10:00 a.m., Room 125
Committee Vote:	9 – 1, Pass (bill substantially amended)	
2 nd Reading Date:	February 3, 2020	
3 rd Reading Date:	February 4, 2020	
Senate Vote:	47 – 2, Pass	

Referred to House Committee on Rules and Legislative Procedures

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Bill Synopsis: Provides that the board of a municipal department of storm water management, the board of a county department of storm water management, or the board of public works of a consolidated city may not assess or collect user fees for the operation and maintenance of a storm water system with respect to: (1) property where religious services are held regularly; (2) property that belongs to a school corporation and is used for educational purposes; or (3) property that is assessed as agricultural land for property tax purposes. Provides that the drainage board of a county that does not have a department of storm water management may not assess or collect fees for services provided to address issues of storm water quality and quantity with respect to: (1) property where religious services are held regularly; (2) property that belongs to a school corporation and is used for educational purposes; or (3) property that is assessed as agricultural land for property tax purposes.

Revised Synopsis: Urges the legislative council to assign to an appropriate interim study committee the task of studying storm water fees.

Notes: The bill was heard on Tuesday January 23, 2020 in committee. No one spoke in favor of the bill besides the bill sponsor, who noted this is the second time that he has proposed this legislation and the previous version did not move beyond the originating committee. Senator Freeman also noted that he had agreed to remove bill language that might impact fees on agricultural lands such as regulated drain fees. AIM, AIC, the City of Indianapolis, Hancock County, IACC, HEC, CAC all testified in opposition to the bill. No vote was taken on the bill and the bill appears to be dead for this session.

Notes: Upon Committee Chairman Buck's request, Senator Freeman amended the bill so that the topic could go to a study committee.

Notes: Bill not heard in committee and now dead for this session.

Senate Bill 100: *Nonconforming Structures (revised)*

<http://iga.in.gov/legislative/2020/bills/senate/100>

Introduced by Senator Doriot

Referred to Senate Committee on Local Government

Committee Hearing Date: January 16, 2020 9:00 a.m., Room 130
Committee Vote: 10 – 0, Pass
2nd Reading Date: January 21, 2020
3rd Reading Date: January 23, 2020
Senate Vote: 47 – 0

Referred to the House Committee on Local Government Affairs

House Committee Hearing: February 13, 2020 8:30 a.m., Room 156B
Committee Vote: No Vote; Bill Held for Further Amendments
House Committee Hearing: February 20, 2020 8:30 a.m., Room 156B
Committee Vote: No Vote; Bill Held for Further Amendments
House Committee Hearing: February 27, 2020 8:30 a.m., Room 156B
Committee Vote: 12 – 0, Pass
2nd Reading Date:
3rd Reading Date:
House Vote:

Bill Synopsis: Right to restore or reconstruct a dwelling. Provides that a person is entitled to restore or reconstruct a nonconforming residential single-family dwelling within the dwelling's existing footprint, if the dwelling: (1) is nonconforming only as to lot size, setbacks, or any other dimensional requirements; (2) is a habitable dwelling assessed as residential property; and (3) has not been condemned. Prohibits a local government from requiring a variance for the restoration or reconstruction.

Revised Synopsis: Provides that the parcel owner shall be allowed to reconstruct, repair or renovate the nonconforming structure if the reconstruction, repair or renovation meets certain requirements.

Notes: I recommend that INAFSM further investigate implications of this bill and potentially meet with the bill author and House sponsors.

Notes: During the House Committee hearing on February 13, Representative Miller introduced a significant amendment to bring some of the language from House Bill 1031 into Senate Bill 100. It was also stated by Representative Miller that he would work with Representative Chyung on some needed amendment language concerning floodplain issues. I will attempt to meet with Representative Chyung next week to discuss the floodplain amendment language.

Notes: Bill amended so that the reconstruction, repair or renovation of a damaged or destroyed nonconforming structure is **not** authorized if the structure is in a floodplain or historic preservation district. Language regarding Lake Michigan (HB 1021) removed.

Senate Bill 229: IDEM Permits for Regulated Drain Work in State Isolated Wetlands

<http://iga.in.gov/legislative/2020/bills/senate/229>

Introduced by Senator Spartz Referred to Senate Committee on Environmental Affairs

Committee Hearing Date: January 13, 2020 10:00 a.m., Room 233
Committee Vote: 6 – 2, Pass
2nd Reading Date: January 16, 2020
3rd Reading Date: January 21, 2020
Senate Vote: 32 – 18

Referred to the House Committee on Local Government Affairs

Reassigned to the House Committee on Environmental Affairs on February 25, 2020

House Committee Hearing: February 26, 2020 1:30 p.m., Room 156-B
Committee Vote: 5 – 4, Pass
2nd Reading Date:
3rd Reading Date:
House Vote:

Bill Synopsis: Maintenance of regulated drains. Provides that a permit is not required from the Indiana department of environmental management for the reconstruction or maintenance of regulated drains for purposes of the law concerning state regulated wetlands.

Notes: I do not recommend that INAFSM take a position on this bill, just monitor the bill progress.

Notes: The bill was amended in committee to specify that the maintenance or reconstruction projects must be as defined in the Drainage Code IC 36-9-27 and the regulated drains must be within an easement as defined in the Drainage Code.

Senate Bill 366: County Payments to the Kankakee River Yellow River Basin Development Commission

<http://iga.in.gov/legislative/2020/bills/senate/366>

Introduced by Senator Niemeyer

Referred to Senate Committee on Tax and Fiscal Policy

Committee Hearing Date:	January 21, 2020	9:00 a.m., Room 431
Committee Vote:	13 – 0, Pass	
2 nd Reading Date:	January 23, 2020	
3 rd Reading Date:	January 27, 2020	
Senate Vote:	50 – 0	

Referred to the House Committee on Ways and Means

House Committee Hearing:	February 12, 2020	1:30 p.m., Room 404
Committee Vote:	19 – 0, Pass	
2 nd Reading Date:	February 17, 2020	
3 rd Reading Date:	February 18, 2020	
House Vote:	95 – 0, Pass (Returned without Amendments)	

Synopsis: Kankakee River and Yellow River development. Provides that the auditor of state shall deduct amounts due from distributions of local income taxes allocated to (as opposed to payable to) the county when a county fails to pay direct support or special assessments to the Kankakee River basin and Yellow River basin development commission. Repeals language providing that the counties that comprise the Kankakee River basin and Yellow River basin may budget, appropriate, and disburse not more than \$50,000 to the commission.

Notes: I recommend INAFSM just monitor the progress of this bill.

Senate Bill 430: Establishment of Reservoir Conservancy District

<http://iga.in.gov/legislative/2020/bills/senate/430>

Introduced by Senator Merritt Referred to Senate Committee on Environmental Affairs

Committee Hearing Date:	January 27, 2020	4:30 p.m., Room 233
Committee Vote:	7 – 4, Pass	
2 nd Reading Date:	February 3, 2020	
3 rd Reading Date:	February 4, 2020	
Senate Vote:	46 – 2, Pass	

Referred to the House Committee on Environmental Affairs

House Committee Hearing:	February 19, 2020	1:30 p.m., Room 156-A
Committee Vote:	13 – 0, Pass	
2 nd Reading Date:	February 25, 2020	
3 rd Reading Date:	February 27, 2020	
House Vote:	92 – 0, Pass (Returned with Amendments)	

Synopsis: Reservoir conservancy districts. Allows a conservancy district to be established as a "reservoir conservancy district" if: (1) the conservancy district will be established for certain purposes; (2) the boundaries will encompass part or all of a reservoir located partly within a consolidated city; and (3) at least 25% of the surface of the reservoir is owned by a utility governed by a board of directors for utilities of a consolidated city. Requires the board of directors of a reservoir conservancy district and the utility that owns the reservoir (utility owner) to enter into an operating agreement that describes all works of improvement and maintenance that the reservoir conservancy district proposes to perform. Requires that all such works be approved by the utility owner before the work begins. Provides that a reservoir conservancy district has all of the powers granted to other conservancy districts with certain exceptions, including: (1) a reservoir conservancy district does not have the power of eminent domain; and (2) the utility owner is exempt from all assessments, taxes, and fees imposed by the reservoir conservancy district. Imposes a limit on the special benefits tax levy of a reservoir conservancy district. Authorizes a reservoir conservancy district to impose and collect fees for the recreational use of watercraft on the reservoir, but provides that a one year use fee for a nonresident may not be 50% greater than the one year use fee for a resident, and that a one-day use fee may not exceed 17% of a one year use fee. Authorizes a reservoir conservancy district establish rules concerning safety and resource conservation but provides that the rules shall not interfere with state rules or with the use of the reservoir for water supply purposes, shall not impair the commercial license of the commercial licensee of the utility owner, and shall not discourage uses of the reservoir for activities allowed under the fish and wildlife laws. Authorizes a reservoir conservancy district to: (1) install catch basins and filtration systems; (2) implement erosion control measures; (3) dredge; and (4) take other actions; with authorization from state and federal agencies. Provides that the utility owner has sole authority to control the water level and water quality of the reservoir. Provides that, except in a case of intentional or willful and wanton misconduct, the utility owner is not liable for any personal injury, death, property damage, or other loss that an individual incurs while present on or in the reservoir. Includes provisions concerning the potential civil liability of the utility owner, the state, the reservoir conservancy district, and owners of property located in a reservoir conservancy district for personal injury, death, or property damage occurring within the reservoir conservancy district.

Notes: I recommend INAFSM just monitor the progress of this bill.

Senate Bill 433: Removal of a Residence from the Floodway

<http://iga.in.gov/legislative/2020/bills/senate/433>

Introduced by Senator Bassler Referred to Senate Committee on Natural Resources

Committee Hearing Date: January 27, 2020 10:00 a.m., Room 130
Committee Vote: 7 – 1, Pass
2nd Reading Date: January 30, 2020
3rd Reading Date: February 4, 2020
Senate Vote: 48 – 1, Pass

Referred to the House Committee on Natural Resources

House Committee Hearing: February 26, 2020 1:30 p.m., Room 156-A
Committee Vote: 13 – 0, Pass
2nd Reading Date:
3rd Reading Date:
House Vote:

Synopsis: Removal of residences from certain flood plains. Prohibits the director of the department of natural resources (department) from exercising the authority to remove or eliminate an abode or residence from a floodway if: (1) the area in which the abode or residence is located was not subject to a county, city, or town flood damage prevention ordinance when the abode or residence was constructed; or (2) the owner or previous owner of the abode or residence contacted the department about the presence of the abode or residence in the floodway and the department did not inform the owner or previous owner that the abode or residence was subject to removal or elimination by authority of the director of the department. Provides that the prohibition against removing or eliminating an abode or residence expires when the director of the department certifies that the department has applied for a grant from the Hazard Mitigation Assistance Grant Program of the Federal Emergency Management Agency that could be used to compensate the owner for the loss of the abode or residence to be removed or eliminated.

Notes: I recommend that INAFSM further investigate implications of this bill and potentially meet with the bill author.

Notes: Bill amended to include language that requires residence to be elevated to Flood Protection Grade and to meet all other local, state and federal floodplain regulations to avoid removal. Bill also amended to include Lake Michigan shoreline language originally in House Bill 1031.

Senate Bill 450: Low Head Dams

<http://iga.in.gov/legislative/2020/bills/senate/450>

Introduced by Senator Busch

Referred to Senate Committee on Natural Resources

Committee Hearing Date:	January 27, 2020	10:00 a.m., Room 130
Committee Vote:	No Vote	
Committee Hearing Date:	January 30, 2020	8:30 a.m., Room 233
Committee Vote:	8 – 0, Pass	
2 nd Reading Date:	February 3, 2020	
3 rd Reading Date:	February 4, 2020	
Senate Vote:	49 – 0, Pass	

Referred to the House Committee on Natural Resources

House Committee Hearing:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Low head dams. Requires the natural resources commission to establish a roster of low head dams in the state that are capable of creating hazardous currents that pose safety issues. Establishes requirements concerning low head dams for the department of natural resources (department) and owners of low head dams. Except for purposes of an inspection, maintenance, or removal, prohibits a person from accessing a low head dam. Prohibits wading, boating, swimming, or accessing the waters within 100 feet of a low head dam when warning signs are present. Provides that the state is not liable for any death or injury that occurs on or resulting from a low head dam that is not owned by the state. Provides for a penalty for violations. Requires the department to prepare a report that includes recommendations concerning the creation of a low head dam removal program and any recommendations concerning low head dam safety legislation.

Notes: I recommend INAFSM support this bill and possibly testify in favor of the bill if it gains a committee hearing.

House Bill 1099: Low Head Dams

<http://iga.in.gov/legislative/2020/bills/house/1099>

Introduced by Representative Manning

Referred to House Committee on Natural Resources

Committee Hearing Date:	January 21, 2020	10:30 a.m., Room 156-B
Committee Vote:	11 – 0, pass	
2 nd Reading Date:	January 27, 2020	
3 rd Reading Date:	January 28, 2020	
House Vote:	97 - 1	

Referred to the Senate Committee on Natural Resources

Senate Committee Hearing:	February 17, 2020	10:00 a.m., Room 130
Committee Vote:	7 – 0, Pass	
2 nd Reading Date:	February 20, 2020	
3 rd Reading Date:	February 24, 2020	
Senate Vote:	48 – 0, Pass (Returned with Amendments)	

Synopsis: Low head dams. Requires the natural resources commission to establish a roster of low head dams in the state that are capable of creating hazardous currents that pose safety issues. Establishes requirements concerning low head dams for the department of natural resources (department) and owners of low head dams. Except for purposes of an inspection, maintenance, or removal, prohibits a person from accessing a low head dam. Prohibits wading, boating, swimming, or accessing the waters within 100 feet of a low head dam when warning signs are present. Provides that the state is not liable for any death or injury that occurs on or resulting from a low head dam that is not owned by the state. Provides for a penalty for violations. Requires the department to prepare a report that includes recommendations concerning the creation of a low head dam removal program and any recommendations concerning low head dam safety legislation.

Notes: I recommend INAFSM support this bill and possibly testify in favor of the bill if it gains a committee hearing.

Notes: Bill amended in House Committee to refine definition of low head dams and make other minor changes.