



Reprinted
March 3, 2020

ENGROSSED SENATE BILL No. 229

DIGEST OF SB 229 (Updated March 2, 2020 4:14 pm - DI 138)

Citations Affected: IC 13-18; IC 14-28.

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 a regulated drain for purposes of the law concerning state regulated wetlands, if the reconstruction or maintenance of a regulated drain occurs within an existing regulated drainage easement under the drainage law. Provides that property owners may jointly apply for a permit under the flood control law.

Effective: July 1, 2020.

Spartz, Doriot, Rogers

(HOUSE SPONSORS — WOLKINS, CHERRY)

January 6, 2020, read first time and referred to Committee on Environmental Affairs.
January 13, 2020, reported favorably — Do Pass.
January 16, 2020, read second time, ordered engrossed. Engrossed.
January 21, 2020, read third time, passed. Yeas 32, nays 18.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Local Government.
February 25, 2020, reassigned to Committee on Environmental Affairs.
February 27, 2020, amended, reported — Do Pass.
March 2, 2020, read second time, amended, ordered engrossed.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 229

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

- 1 SECTION 1. IC 13-18-22-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as
3 provided in subsection (b), a person proposing a wetland activity in a
4 state regulated wetland must obtain a permit under this chapter to
5 authorize the wetland activity.
6 (b) A permit is not required for the following wetland activities:
7 (1) The discharge of dirt, sand, rock, stone, concrete, or other
8 inert fill materials in a de minimis amount.
9 (2) A wetland activity at a surface coal mine for which the
10 department of natural resources has approved a plan to:
11 (A) minimize, to the extent practical using best technology
12 currently available, disturbances and adverse effects on fish
13 and wildlife;
14 (B) otherwise effectuate environmental values; and
15 (C) enhance those values where practicable.
16 (3) Any activity listed under Section 404(f) of the Clean Water
17 Act, including:

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- 1 (A) normal farming, silviculture, and ranching activities, such
 2 as plowing, seeding, cultivating, minor drainage, harvesting
 3 for the production of food, fiber, and forest products, or upland
 4 soil and water conservation practices;
- 5 (B) maintenance, including emergency reconstruction of
 6 recently damaged parts, of currently serviceable structures
 7 such as dikes, dams, levees, groins, riprap, breakwaters,
 8 causeways, and bridge abutments or approaches, and
 9 transportation structures;
- 10 (C) construction or maintenance of farm or stock ponds or
 11 irrigation ditches, or the maintenance of drainage ditches;
- 12 (D) construction of temporary sedimentation basins on a
 13 construction site that does not include placement of fill
 14 material into the navigable waters; and
- 15 (E) construction or maintenance of farm roads or forest roads,
 16 or temporary roads for moving mining equipment, where the
 17 roads are constructed and maintained, in accordance with best
 18 management practices, to assure that:
- 19 (i) flow and circulation patterns and chemical and biological
 20 characteristics of the navigable waters are not impaired;
- 21 (ii) the reach of the navigable waters is not reduced; and
- 22 (iii) any adverse effect on the aquatic environment will be
 23 otherwise minimized.
- 24 **(4) The maintenance of a regulated drain as defined in**
 25 **IC 36-9-27-2, or the reconstruction of a regulated drain as**
 26 **defined in IC 36-9-27-2, provided that the reconstruction or**
 27 **maintenance is within an existing regulated drainage**
 28 **easement as defined by IC 36-9-27-33.**
- 29 (c) The goal of the permitting program for wetland activities in state
 30 regulated wetlands is to:
- 31 (1) promote a net gain in high quality isolated wetlands; and
- 32 (2) assure that compensatory mitigation will offset the loss of
 33 isolated wetlands allowed by the permitting program.
- 34 SECTION 2. IC 14-28-1-19.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2020]: **Sec. 19.5. For purposes of this**
 37 **chapter, property owners may jointly apply for a permit.**



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 229 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 6, Nays 2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 229, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 24, delete "The" and insert "**The maintenance of a regulated drain as defined in IC 36-9-27-2, or the reconstruction of a regulated drain as defined in IC 36-9-27-2, provided that the reconstruction or maintenance is within an existing regulated drainage easement as defined by IC 36-9-27-33.**".

Page 2, line 24, delete "reconstruction or maintenance (as defined in".

Page 2, delete lines 25 through 26.

and when so amended that said bill do pass.

(Reference is to SB 229 as printed January 14, 2020.)

WOLKINS

Committee Vote: yeas 5, nays 4.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 229 be amended to read as follows:

Page 2, after line 33, begin a new paragraph and insert:

"SECTION 2. IC 14-28-1-19.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2020]: **Sec. 19.5. For purposes of this
chapter, property owners may jointly apply for a permit."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 229 as printed February 28, 2020.)

WESCO

