



## 2024 Indiana General Assembly

### Bills of INAFSM Interest

Senate Bill 105: *Update the Indiana Drainage Handbook*

Senate Bill 140: *Logjam Removal*

Senate Bill 184: *Removal of Debris from Streams*

Senate Bill 246: *Assessment of Wetlands Classified as Wildlands*

House Bill 1383: *Wetlands*

House Bill 1394: *IDNR Best Available Flood Hazard Data*

House Bill 1401: *Various Natural Resource Matters*

House Bill 1403: *Wetlands*

House Bill 1417: *Update the Indiana Drainage Handbook*

## **Important Dates for the 2024 Session of the Indiana Legislature:**

~~Tuesday January 9, 2024 — Deadline for filing Senate Bills~~

~~Thursday January 11, 2024 — Deadline for filing House Bills~~

~~Monday February 5, 2024 — Last day for Third Reading of House Bills in the House.~~

~~Tuesday February 6, 2024 — Last day for Third Reading of Senate Bills in the Senate.~~

Monday March 4, 2024 – Last day for Third Reading of Senate Bills in the House

Tuesday March 5, 2024 – Last day for Third Reading of House Bills in the Senate.

Thursday March 14, 2024 – Last day for Adjournment of both Houses.

**Senate Bill 105 *Update the Indiana Drainage Handbook***

<https://iga.in.gov/legislative/2024/bills/senate/105/details>

**House Bill 1417 *Update the Indiana Drainage Handbook***

<https://iga.in.gov/legislative/2024/bills/house/1417/details>

An update of the Indiana Drainage Handbook, originally produced in 1996 and updated in 1999, was a recommendation of the Indiana Drainage Task Force. These two bills direct the Indiana Department of Agriculture to select a contractor to update the handbook under the direction of an advisory board of at least eight members.

Senate Bill 105 was passed 8-0 by the House Committee on Natural Resources on January 18, 2024. No further action was taken on this bill so it is dead for this session.

House Bill 1417 was assigned to the House Committee on Agriculture and Rural Development and a hearing on the bill took place on January 29, 2024. The bill passed the committee with a 12-0 vote, was approved at Second Reading by the House on January 31, 2024 and was approved on Third Reading by the House on February 1, 2024 by a 94-0 vote. The bill moves on for further action by the Senate.

**Update:** Sorry everyone but it looks like I jumped the gun on these two bills. The Indiana Drainage Handbook language was stripped out of House Bill 1417 when it was heard in committee on January 29, 2024. The bill now just deals with an economic impact study of farmland and setting dates for the State Fair so I will no longer follow this bill. Senate Bill 105 was acted on before the February 6 deadline this week, passing Second Reading on February 5, 2024 and Third Reading on February 6, 2024 by a 48-0 vote. The bill moves on for further action by the House. Sorry again for the confusion on these two.

**Senate Bill 140 *Logjam Removal***

<https://iga.in.gov/legislative/2024/bills/senate/140/details>

**Senate Bill 184 *Removal of Debris from Streams***

<https://iga.in.gov/legislative/2024/bills/senate/184/details>

**House Bill 1394 *IDNR Best Available Flood Hazard Data***

<https://iga.in.gov/legislative/2024/bills/house/1394/details>

**House Bill 1401 *Various Natural Resource Matters***

<https://iga.in.gov/legislative/2024/bills/house/1401/details>

Although some logjam and debris removal activities can be accomplished with little to no permitting requirements by the Indiana Department of Natural Resources (IDNR), Senate Bills 140 and 184 were proposed based on testimony to the Indiana Drainage Task Force. The bills would allow some instream logjam/debris activities without the need for IDNR permits.

Senate Bills 140 and 184 were passed 8-0 by the Senate Committee on Natural Resources on January 18, 2024. Senate Bill 184 was withdrawn on January 30, 2024. Senate Bill 140 was approved at Second Reading by the Senate on January 30, 2024 and was amended and approved on Third Reading by the Senate on February 1, 2024 by a 45-4 vote. The bill moves on for further action by the House.

House Bill 1401 is the IDNR agency-sponsored bill for this session. It includes some cleanup language on various IDNR matters and includes language similar to that in Senate Bills 140 and 184. House Bill 1401 also provides further direction to IDNR when reviewing a floodplain determination request by a private property owner and directs IDNR to notify property owners when information published on the Floodplain Information Portal is updated. IDNR worked with Representative Lindauer on the drafting of the bill and supported the bill in the House Committee on Natural Resources where it passed 10-0 on January 17, 2024. The funding for the STREAM Act Fund (for acid mine drainage abatement, subsidence abatement, etc.) triggered a hearing with the House Ways and Means Committee which took place on January 24, 2024 where the bill passed 22-0. House Bill 1401 was approved at Second Reading by the House on January 29, 2024 and was approved on Third Reading by the House on January 30, 2024 by a 94-0 vote. The bill moves on for further action by the Senate.

House Bill 1394 deals again with published floodplain data by the IDNR at the Indiana Floodplain Information Portal. House Bill 1394 was not heard in the House Committee on Natural Resources so it is dead for this session.

**Update:** There are no changes to the status of these bills. In summary, Senate Bill 140 and House Bill 1401 are still active but Senate Bill 184 and House Bill 1394 are not.

### **Senate Bill 246 *Assessment of Wetlands Classified as Wildlands***

<https://iga.in.gov/legislative/2024/bills/senate/246/details>

### **House Bill 1383 *Wetlands***

<https://iga.in.gov/legislative/2024/bills/house/1383/details>

### **House Bill 1403 *Wetlands***

<https://iga.in.gov/legislative/2024/bills/house/1403/details>

Senate Bill 246 will allow tax credits for wetlands classified as wildlands. The bill passed the Senate Committee on Natural Resources 8-0 on January 18, 2024 and was referred to the Senate Committee on Tax and Fiscal Policy. The bill passed this committee by a vote of 12-1 on January 30, 2024. Senate Bill 246 was approved at Second Reading by the Senate February 1, 2024.

***Update:*** The bill passed Third Reading on February 5, 2024 by a 48-0 vote and moves on for further action by the House.

House Bill 1383 was presented as compromise legislation worked on by staff of the Indiana Department of Environmental Management (IDEM) and the Indiana Homebuilders Association. In general, the bill will allow more wetlands to be classified as Class 1 and Class 2 Wetlands and less wetlands to be classified as Class 3 Wetlands. The Class 1 and Class 2 Wetlands are far less protected and impacts to these wetlands may not require permitting or mitigation. The bill also exempts from the permitting process altogether wetlands in an agricultural field that will be impacted by a residential development project. This bill will result in the loss of wetlands. After much testimony and the offering of a significant amendment that was not allowed to be heard by the committee chairperson, House Bill 1383 passed the House Committee on Environmental Affairs 8-4 on January 17, 2024, passed Second Reading in the House on January 22, 2024 and passed Third Reading in the House on January 23, 2024 by a vote of 64-30. The bill was assigned to the Senate Committee on Environmental Affairs and a hearing for the bill was held on January 31, 2024. It is very unusual for a bill to be heard at committee in the bill's second chamber before the final consideration of all bills in their first chamber and this was questioned at the committee meeting. Three persons testified in support of the bill, about twenty people testified against the bill, and the bill passed the committee by a vote of 7-2. I did testify on behalf of INAFSM to express concerns regarding the elimination of existing stormwater and floodplain storage areas without compensation. House Bill 1383 is now eligible for further action by the Seante.

***Update:*** The bill passed Second Reading on February 5, 2024 and Third Reading on February 6, 2024 by a 32-17 vote meaning seven Republicans (including the Senate Majority Whip) did vote against the bill. This bill absolutely flew through the legislature and is now awaiting the Governor's approval and signature.

House Bill 1403 would significantly modify the State Regulated Wetlands Program by mirroring more of the federal wetlands program for definitions, permitting criteria, mitigation requirements. House Bill 1403 was not heard in the House Committee on Environmental Affairs so it is dead for this session.