



2024 Indiana General Assembly

Bills of INAFSM Interest

Senate Bill 105: *Update the Indiana Drainage Handbook*

Senate Bill 140: *Logjam Removal*

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

House Bill 1383: *Wetlands*

House Bill 1401: *Various Natural Resource Matters*

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>

An update of the Indiana Drainage Handbook, originally produced in 1996 and updated in 1999, was a recommendation of the Indiana Drainage Task Force. This bill directs 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, passed 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.

The bill was assigned to the House Committee on Agriculture and Rural Development and was heard by the committee on Monday February 19, 2024. The bill passed 11-0 and was referred to the House Committee on Ways and Means since the bill requires expenditures from the state general fund. A hearing on the bill by this second committee was not scheduled so this bill is likely dead for this session.

While Senate Bill 105 did expire, the Handbook language was added to House Bill 1401 as an amendment right before Third Reading of House Bill 1401 in the Senate. The amended bill passed the Senate but the Handbook language was taken out of House Bill 1401 in a conference committee and inserted into Senate Bill 140 in a conference committee.

Senate Bill 140 Logjam Removal

<https://iga.in.gov/legislative/2024/bills/senate/140/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 Bill 140 was proposed based on testimony to the Indiana Drainage Task Force. The bill would allow some instream logjam/debris activities without the need for IDNR permits.

Senate Bills 140 was passed 8-0 by the Senate Committee on Natural Resources on January 18, 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 moved on for further action by the House.

The bill was assigned to the House Committee on Natural Resources and was heard by the committee on February 21, 2024. The bill passed this committee 8-0, was approved at Second Reading by the House on February 26, 2024, was amended and approved on Third Reading by the House on February 27, 2024. The Senate sponsors of the bill did not agree with the House amendments to the bill so the bill will go to a conference committee next week.

Additional language regarding logjam removals was added to the bill in the conference committee, along with language to update the Indiana Drainage Handbook. The conference committee approved the amended bill language on March 7, 2024 and the bill was approved by the House on March 8, 2024 by a vote of 91-0. The bill was approved by the Senate on March 8, 2024 by a vote of 48-0 and was signed by the Governor on March 13, 2024.

House Bill 1401 *Various Natural Resource Matters*

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

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.

The bill was assigned to the Senate Committee on Natural Resources and was heard by the committee on Monday February 19, 2024. The bill passed 7-0 and was referred to the House Committee on Appropriations since the bill involves establishment of the STREAM Act fund. A hearing on the bill by this second committee was held on February 29, 2024 and the bill passed 13-0.

The bill was amended on Third Reading and approved by the Senate by a vote of 48-0 on March 5, 2024. The House sponsors of the bill did not agree with the Senate amendments to the bill and the bill went to a conference committee last week. The conference committee made further changes to the bill, removing the language regarding the Indiana Drainage Handbook and clarifying language on the in-stream tree removal. The amended bill was approved by the conference committee on March 7, 2024, by the House on March 8, 2024 by a vote of 90-0 and by the Seante on March 8, 2024 by a vote of 48-0 and was signed by the Governor on March 13, 2024.

Senate Bill 246 Assessment of Wetlands Classified as Wildlands

<https://iga.in.gov/legislative/2024/bills/senate/246/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. The bill passed Third Reading on February 5, 2024 by a 48-0 vote and moves on for further action by the House.

The bill was assigned to the House Ways and Means Committee and was heard by the committee on Monday February 21, 2024 and the bill passed 12-7. The bill was approved at Second Reading by the House on February 26, 2024 and Third Reading in the House on February 27, 2024 by a vote of 93-2. The bill was signed by the Governor on March 11, 2024.

House Bill 1383 *Wetlands*

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

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. 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.

The bill was signed by the Governor on Monday February 12, 2024.