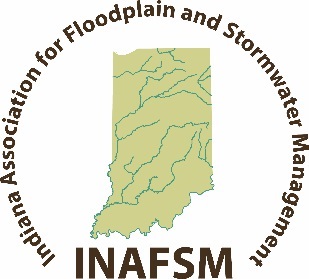
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INDIANA ASSOCIATION for FLOODPLAIN

and STORMWATER MANAGEMENT

**Legislative Report**

January 27, 2020

**2020 Indiana General Assembly**

**Bills of INAFSM Interest**

**Senate Bill 46: *Stormwater Fee Exemptions***

**Senate Bill 100: *Right to Restore or Reconstruct a Dwelling***

**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***

**Senate Bill 430: *Establishment of Reservoir Conservancy District***

**Senate Bill 433: *Removal of a Residence from the Floodway***

**Senate Bill 450: *Low Head Dams***

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

**House Bill 1099: *Low Head Dams***

**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***

**Senate Bill 46: *Stormwater Fee Exemptions***

<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

Committee Vote: No Vote

2nd Reading Date:

3rd Reading Date:

Senate Vote:

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.

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.

**Senate Bill 100: *Right to Restore or Reconstruct a Dwelling***

<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

House Committee Hearing:

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.

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

**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

House Committee Hearing:

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.

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

<http://iga.in.gov/legislative/2020/bills/senate/321>

Introduced by Senator Rogers Referred to Senate Committee on Natural Resources

Committee Hearing Date: January 13, 2020

Committee Vote: No Vote

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Bill Synopsis: The Lake Michigan shore. Provides that the public of Indiana has a vested right to engage in recreational activities: (1) from the water's edge of Lake Michigan to the natural ordinary high water mark, unless the natural ordinary high water mark is farther inland than the boundary of a private property; and (2) if the natural ordinary high water mark is farther inland than the boundary of a private property, from the water's edge: (A) to five feet beyond the point where the sand on the shore is visibly wet from the water of Lake Michigan; or (B) if the boundary of the private property is less than five feet beyond the point where the sand on the shore is visibly wet from the water of Lake Michigan, to the boundary of the private property. Provides that the State of Indiana recognizes the existence of private property below the natural ordinary high-water mark of Lake Michigan where the legal description of a private property in the most recent deed recorded in the county recorder's office indicates that the private property extends below the natural ordinary high-water mark. Provides that where a private property extends below the natural ordinary high-water mark, the State of Indiana relinquishes its ownership of the shore of Lake Michigan with respect to the part of the private property extending below the natural ordinary high-water mark. Provides that "recreational activities" includes walking, jogging, and other activities in which the participants occupy a space on the beach only temporarily, but does not include lying on the beach, camping, and other non-transient activities. Provides that: (1) the natural resources commission (commission) has exclusive authority to establish standards for approval of; and (2) the department of natural resources has exclusive authority to determine whether to approve; the placement of a seawall or other permanent structure on or within the natural ordinary high-water mark of Lake Michigan. Provides that a county, city, or town has no authority to regulate the construction or maintenance of seawalls and other permanent structures in or near Lake Michigan. Authorizes an owner of a private property located adjacent to Lake Michigan to remove sand that has accumulated on or near the private property and to remove unwanted vegetation from the beach on or near the private property according to rules or guidelines of the commission. Provides that the owner of a private property that is adjacent to Lake Michigan does not incur liability for an injury to an individual or damage to property: (1) that occurs when an individual is crossing the private property to enter, or upon leaving, the span of the beach in which the public has a vested right to engage in recreational activities; and (2) that is caused by an act or omission of the owner, except for an act of the owner constituting intentional misconduct.

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

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

<http://iga.in.gov/legislative/2020/bills/senate/338>

Introduced by Senator Spartz Referred to Senate Committee on Environmental Affairs

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

Synopsis: Conservancy district restrictions. Provides that a conservancy district established after June 30, 2020, for any purpose other than providing for the collection, treatment, and disposal of sewage and other liquid wastes is subject to certain restrictions and requirements, including that: (1) it may not exercise the power of eminent domain; (2) if it imposes fees for the recreational use of a water body, the fee charged to a person who does not own real property within the conservancy district may not be more than 50% greater than the fee charged to a person who owns real property within the conservancy district, and it may use the recreation fee revenue only for maintenance of the water body and the administration of the conservancy district; (3) it may not unreasonably limit the types of motorized watercraft that may be used on a water body or assess fees for access to the water body that are unreasonably high in amount; (4) it may not exercise control or authority over the construction, reconstruction, or maintenance of regulated drains or over streams; (5) its budget must be reviewed by the fiscal body of the county in which the conservancy district is located, and the board of the conservancy district may not approve a total budget in excess of the amount approved by the county fiscal body; and (6) the rate of its special benefits tax may not exceed $0.0667 on each $100 of assessed valuation of property. Provides that if: (1) a conservancy district is established for purposes related to a water body; and (2) the water body is used as a source of water by a public water utility; the public water utility is not civilly liable for bodily injury or property damage caused by an occurrence in or near the water body solely by reason of owning or having a right to use the water in the water body.

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

**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

2nd Reading Date: January 23, 2020

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

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: No Vote

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

2nd Reading Date:

3rd Reading Date:

House Vote:

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 of the conservancy district 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 to enter into an operating agreement that includes an operating plan describing all works of improvement and modification and maintenance of improvements relating to access to and use of the reservoir that the reservoir conservancy district proposes to perform. Requires that all such work be approved by the utility 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) the district plan of a reservoir conservancy district must be provided to the utility that owns the reservoir at least 30 days before it is presented to the natural resources commission; (2) a reservoir conservancy district does not have the power of eminent domain with respect to property of the utility that owns the reservoir; and (3) the utility that owns the reservoir is exempt from all assessments, taxes, and fees imposed by the reservoir conservancy district. Authorizes a reservoir conservancy district to: (1) impose and collect fees for the recreational use of motorized watercraft on the reservoir; (2) install catch basins and filtration systems on or near the tributaries of the reservoir; (3) implement streambank remediation and erosion control measures within the reservoir conservancy district's boundaries; and (4) take other actions. Provides that the utility that owns the reservoir has sole authority and control over all activities to control the water level and water quality of the reservoir. Provides that, except in a case of intentional or willful and wanton misconduct, a reservoir conservancy district and the utility that owns the reservoir are not liable for any personal injury, death, property damage, or other loss that an individual incurs while present on or in the reservoir, regardless of whether the individual or another person with whom the individual is associated paid a fee to the reservoir conservancy district for the recreational use of the reservoir. Specifies that the liability that may be imposed on a reservoir conservancy district and the utility that owns the reservoir applies only to an injury that an individual incurs while present on or in the reservoir of a reservoir conservancy district to the extent of the intentional or willful and wanton misconduct of the reservoir conservancy district and the utility and not as result of the injured individual's negligence or the conduct of another person. Makes other changes.

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:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

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.

**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

2nd Reading Date:

3rd Reading Date:

Senate Vote:

House Committee Hearing:

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 1031: *Public/Private Rights along Lake Michigan Shore***

<http://iga.in.gov/legislative/2020/bills/house/1031>

Introduced by Representative Miller Referred to House Committee on Judiciary

Committee Hearing Date: January 13, 2020 10:30 a.m., Room 156-D

Committee Vote: No Vote

Committee Hearing Date: January 27, 2020 11:00 a.m., Room 156-D

Committee Vote: 11 – 1, pass

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: The Lake Michigan shore. Provides that the public of Indiana has a vested right to engage in recreational activities: (1) from the water's edge of Lake Michigan to the natural ordinary high water mark, unless the natural ordinary high water mark is farther inland than the boundary of a private property; and (2) if the natural ordinary high water mark is farther inland than the boundary of a private property, from the water's edge: (A) to five feet beyond the point where the sand on the shore is visibly wet from the water of Lake Michigan; or (B) if the boundary of the private property is less than five feet beyond the point where the sand on the shore is visibly wet from the water of Lake Michigan, to the boundary of the private property. Provides that the State of Indiana recognizes the existence of private property below the natural ordinary high-water mark of Lake Michigan where the legal description of a private property in the most recent deed recorded in the county recorder's office indicates that the private property extends below the natural ordinary high-water mark. Provides that where a private property extends below the natural ordinary high-water mark, the State of Indiana relinquishes its ownership of the shore of Lake Michigan with respect to the part of the private property extending below the natural ordinary high-water mark. Provides that "recreational activities" includes walking, jogging, and other activities in which the participants occupy a space on the beach only temporarily, but does not include lying on the beach, camping, and other non-transient activities. Provides that: (1) the natural resources commission (commission) has exclusive authority to establish standards for approval of; and (2) the department of natural resources has exclusive authority to determine whether to approve; the placement of a seawall or other permanent structure on or within the natural ordinary high-water mark of Lake Michigan. Provides that a county, city, or town has no authority to regulate the construction or maintenance of seawalls and other permanent structures in or near Lake Michigan. Authorizes an owner of a private property located adjacent to Lake Michigan to remove sand that has accumulated on or near the private property and to remove unwanted vegetation from the beach on or near the private property according to rules or guidelines of the commission. Provides that the owner of a private property that is adjacent to Lake Michigan does not incur liability for an injury to an individual or damage to property: (1) that occurs when an individual is crossing the private property to enter, or upon leaving, the span of the beach in which the public has a vested right to engage in recreational activities; and (2) that is caused by an act or omission of the owner, except for an act of the owner constituting intentional misconduct.

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

**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

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate 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 1245: *Establishment of the Pigeon Creek Commission***

<http://iga.in.gov/legislative/2020/bills/house/1245>

Introduced by Representatives Bacon, McNamara, Sullivan Referred to House Committee on Natural Resources

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: Pigeon Creek. Defines "Pigeon Creek basin" as the area in Gibson County, Vanderburgh County, and Warrick County that is drained by Pigeon Creek. Establishes the Pigeon Creek commission (commission) as a public body corporate and politic composed of the following voting members: (1) The director of the department of natural resources or the director's designee. (2) Two representatives appointed by the county executive of each county in the basin. Allows the county executive of Pike County to appoint one individual to serve as a nonvoting member of the commission. Authorizes the commission to implement certain activities related to flood control, drainage, public use, public safety, and wildlife management within the channels of Pigeon Creek and within the area extending 75 feet from the top of each bank of the creek. Allows the commission to establish advisory committees to the commission.

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

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

<http://iga.in.gov/legislative/2020/bills/house/1254>

Introduced by Representative Moed Referred to House Committee on Natural Resources

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: Flood control improvement district projects. Provides that, in the period beginning March 1, 2020, and ending March 1, 2022: (1) money in the fund of a flood control improvement district (district) established after December 31, 2019, may be used for a flood control works project in a location outside the boundaries of the district; (2) money received by the district from bonds issued for purposes of flood control works within the district may be applied to the payment or reimbursement of the cost of a flood control works project in a location outside the boundaries of the district; and (3) money received from bonds for which revenue of the consolidated city's storm water fund was pledged or assigned may be applied to the payment of the costs of a flood control works project of the district, and money in the flood control improvement fund of the district may be applied to reimburse debt service payments on the bonds, even though the flood control works project was in a location outside the boundaries of the district; if the flood control works project outside the boundaries of the district directly benefits special flood hazard property within the district.

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

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

<http://iga.in.gov/legislative/2020/bills/house/1318>

Introduced by Representative Lindauer Referred to House Committee on Natural Resources

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: Levee repair and agency wetland coordination. Provides that immediate action may be taken for the maintenance, alteration, repair, reconstruction, change in construction or location, or removal of a dike, floodwall, levee, or appurtenance if, in the opinion of the department of natural resources (DNR), immediate action is necessary due to the danger to human life or property. (Under current law, danger to property alone is not sufficient cause for immediate action.) Provides that if, in the opinion of the DNR, immediate action is necessary, the DNR may: (1) undertake the action by itself or through a contractor engaged by the DNR; or (2) authorize the owner of the property on which the dike, floodwall, levee, or appurtenance is located to undertake the action. Requires the DNR and the department of environmental management to issue a report on the process to improve efficiency, coordination, and transparency in programs for water quality certifications, permits for wetland activity, and permits for construction and excavation in floodways.

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

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

<http://iga.in.gov/legislative/2020/bills/house/1342>

Introduced by Representative Lindauer Referred to House Committee on Natural Resources

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: Removal of residence from floodway. 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.

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

<http://iga.in.gov/legislative/2020/bills/house/1415>

Introduced by Representative Hamilton Referred to House Committee on Local Government

Committee Hearing Date:

Committee Vote:

2nd Reading Date:

3rd Reading Date:

House Vote:

Senate Committee Hearing:

2nd Reading Date:

3rd Reading Date:

Senate Vote:

Synopsis: Regulated drains and environmental concerns. Authorizes a county surveyor to classify a regulated drain as a drain in need of reconstruction if: (1) the functionality of the drain is compromised; and (2) the drain could, at a reasonable cost, be reconstructed to perform the function for which it was designed while better serving the interests of public health, significantly reducing undesirable environmental effects, or providing flood reduction benefits. Authorizes a county surveyor to classify a regulated drain as a drain in need of periodic maintenance if the drain can be made to: (1) perform the function for which it was designed and constructed; (2) properly drain affected land; and (3) better serve the interest of public health, produce fewer undesirable environmental effects, or provide flood reduction benefits; through periodically cleaning, spraying, removing obstructions from, and making minor repairs, additions, or alterations to the regulated drain. Provides that the maintenance fund established for a regulated drain or combination of regulated drains may be used to: (1) better serve the interests of public health; (2) reduce undesirable environmental effects; (3) provide flood reduction benefits; (4) improve drainage control; or (5) provide drainage water storage infrastructure or technology associated with water that flows in or into a particular regulated drain or combination of regulated drains. Authorizes a county surveyor, when determining the best method of reconstructing a regulated drain or the best method of drainage for the area to which a petition to establish a new regulated drain relates, to consider cost effective drainage designs that limit undesirable environmental effects, improve public health, or provide flood reduction benefits.

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