



January 27, 2025

2025 Indiana General Assembly

Bills of INAFSM Interest

Senate Bill 4: *Water Matters*

Senate Bill 28: *Ground Water Emergencies*

Senate Bill 134: *Water Management Authority*

Senate Bill 256: *Ground Water and Aquifer Preservation Task Force*

Senate Bill 477: *Low Head Dams*

House Bill 1037: *Local Stormwater Requirements and the CSGP*

House Bill 1126: *Watershed Development Commissions*

House Bill 1190: *Water Protection and Restoration Trust Fund*

House Bill 1268: *IDNR Study of Ground Water Resources*

House Bill 1460: *Drainage Systems (Primary Platting)*

Important Dates for the 2025 Session of the Indiana Legislature:

Thursday January 9, 2025 – Deadline for filing Senate Bills

Tuesday January 14, 2025 – Deadline for filing House Bills

Thursday February 20, 2025 – Last day for Third Reading of House Bills in the House

Thursday February 20, 2025 – Last day for Third Reading of Senate Bills in the Senate

Tuesday April 15, 2025 – Last day for Third Reading of Senate Bills in the House

Tuesday April 15, 2025 – Last day for Third Reading of House Bills in the Senate

Tuesday April 29, 2025 – Last day for Adjournment of both Houses

Senate Bill 4: *Water Matters*

<https://iga.in.gov/legislative/2025/bills/senate/4/details>

Prohibits the construction, operation, purchase, sale, and lease of a long-haul water pipeline, except as to a water utility that obtains a certificate of public convenience and necessity from the Indiana utility regulatory commission. Sets out an application process for obtaining a certificate of public convenience and necessity. Requires certain persons, entities, and utilities to obtain a permit from the department of natural resources (department) in order to transfer water outside of a basin. Sets out an application process for a transfer permit. Provides that a transfer permit: (1) does not expire; and (2) may be renewed, revoked, suspended, or modified in certain circumstances. Provides that the department may assess a civil penalty for violations of the transfer permit chapter.

Senate Bill 4 was assigned to the Senate Committee on Utilities and the first hearing on the bill took place on January 16, 2025. No vote was taken on the bill and the next hearing for the bill has not yet been scheduled.

Senate Bill 28: Ground Water Emergencies

<https://iga.in.gov/legislative/2025/bills/senate/28/details>

Allows the owner or operator of a significant ground water withdrawal facility to file a complaint with the director of the department of natural resources (director) that a water well on the property of the owner of the significant ground water withdrawal facility failed to furnish the well's normal supply of water or failed to furnish potable water. Requires the director to launch an investigation into a complaint of a well failure from a property used for raising livestock within 24 hours of the director receiving the complaint. Requires the director to launch an investigation into a complaint of a well failure from a significant ground water withdrawal facility within 72 hours of the director receiving the complaint. Prohibits the director from limiting the quantity of ground water extracted by a significant ground water withdrawal facility to irrigate crops or provide drinking water for livestock during a ground water emergency. Exempts the owner and operator of a significant ground water withdrawal facility that withdraws water to irrigate crops or provide drinking water for livestock from compensating a utility in instances where the utility's significant ground water withdrawal facility fails to furnish the normal supply of water or potable water. Provides that the owner or operator of a significant ground water withdrawal facility that withdraws water to irrigate crops or provide drinking water for livestock shall compensate an impacted owner of a nonsignificant ground water withdrawal facility or significant ground water withdrawal facility that is not a utility in instances where an impacted nonsignificant ground water withdrawal facility or significant ground water withdrawal facility fails to furnish the normal supply of water or potable water.

This bill appears to roll back some protections for small (not significant by IDNR definition) wells that may be impacted by water withdrawals at significant wells.

Senate Bill 28 was assigned to the Senate Committee on Utilities and the first hearing on the bill has not yet been scheduled.

Senate Bill 134: *Water Management Authority*

<https://iga.in.gov/legislative/2025/bills/senate/134/details>

Establishes the water management authority as an agency of state government. Requires the governor to appoint an administrator of the authority (administrator). Provides for the adoption and implementation of a statewide water management plan. Provides that, upon adoption of the statewide water management plan, the administrator assumes powers and duties related to: (1) water rights and emergency regulation of surface and ground water; (2) potable water rights; (3) water resources management; (4) the Great Lakes compact; (5) reservoirs; (6) preservation and legal action concerning lakes; (7) flood control; (8) construction of channels; and (9) conservancy districts. Establishes one regional water management council for each of nine hydrological regions in Indiana. Provides for the designation of a drainage project as a "drainage project of water management importance" if it meets certain conditions and provides that a permit from the administrator is required for such a project. Requires an agency that constructs and repairs highways to consult with the administrator to limit sedimentation.

Very far-reaching and expansive bill.

Senate Bill 134 was assigned to the Senate Committee on Utilities and the first hearing on the bill has not yet been scheduled.

Senate Bill 256: Ground Water and Aquifer Preservation Task Force

<https://iga.in.gov/legislative/2025/bills/senate/256/details>

Establishes the ground water and aquifer preservation task force to recommend water regulations to the legislative council. Creates a two-year moratorium on the establishment of certain major ground water withdrawal facilities during the period beginning May 1, 2025, and ending June 30, 2027. Provides an exception to the moratorium.

Senate Bill 256 was assigned to the Senate Committee on Utilities and the first hearing on the bill has not yet been scheduled.

Senate Bill 477: *Low Head Dams*

<https://iga.in.gov/legislative/2025/bills/senate/477/details>

Provides that the state does not assume ownership of or responsibility for a low head dam that is not listed as owned by the state on the department of natural resources' (department) low head dam roster (roster). Permits a person to remove without a permit certain low head dams that are located on a navigable waterway and that are encroachments. Requires the department to establish warning sign standards and requirements for low head dams that are on the roster. Allows for a bond of \$1,000,000 to serve as proof of financial responsibility for a person that owns a low head dam. Provides that a permit issued by the director after January 1, 2021, for the removal of a low head dam does not expire until two years after certain judicial appeal processes are complete.

Senate Bill 477 was assigned to the Senate Committee on Natural Resources and the first hearing on the bill will be held on Monday January 27, 2025 (time not yet scheduled).

House Bill 1037: Local Stormwater Requirements and the CSGP

<https://iga.in.gov/legislative/2025/bills/house/1037/details>

Provides that a unit does not have the power to adopt a law, rule, ordinance, or regulation that is more stringent than or exceeds in any manner the requirements of the department of environmental management's (IDEM) construction stormwater general permit (CSGP). Provides that if a law, rule, ordinance, or regulation is more stringent than or exceeds the CSGP, then: (1) the law, rule, ordinance, or regulation is void; and (2) the unit must continue to discharge its duties under IDEM's CSGP program.

This is a very problematic bill that will curtail any local authority where post-construction stormwater quality requirements and other measures may be necessary for local needs on sites with disturbed areas less than one acre. The bill was originally introduced by Representative Morrison who was then named as Director for the Department of Natural Resources. The bill is now carried/authored by Representative Doug Miller, a home builder who has previously authored bills to curtail local erosion and sediment control review.

House Bill 1037 was assigned to the House Committee on Environmental Affairs and the first hearing on the bill will be held Wednesday January 29 (time not yet scheduled).

House Bill 1126: *Watershed Development Commissions*

<https://iga.in.gov/legislative/2025/bills/house/1126/details>

Alters the membership of a watershed development commission (commission) board. Allows a county to join a commission if any part of the designated watershed lies within boundaries of the county. Alters what must be considered regarding the membership and the activities of a commission. Provides that a commission may take certain actions with respect to certain floodplains. Expands permitted uses for certain funds collected by a commission and establishes certain budget limits. Provides that the Department of Natural Resources' Division of Water shall provide a commission with a written summary of the Division's review of certain public works projects within 30 days of the review. Makes conforming changes.

House Bill 1126 was assigned to the House Committee on Natural Resources and the first hearing on the bill has not yet been scheduled.

House Bill 1190: *Water Protection and Restoration Trust Fund*

<https://iga.in.gov/legislative/2025/bills/house/1190/details>

Establishes the water protection and restoration trust fund (fund). Provides that the state comptroller shall transfer each year to the fund from the money appropriated to certain state agencies an amount equal to \$1,660,000. Establishes the water quality board (board) to manage and develop the fund. Sets out the membership, terms, and compensation of the board. Provides that the board shall establish a surface water quality financial assistance program for the purpose of assessing and reducing nutrients that are negatively affecting surface waters within the state. Makes conforming changes.

House Bill 1190 was assigned to the House Committee on Natural Resources and the first hearing on the bill has not yet been scheduled.

House Bill 1268: IDNR Study of Ground Water Resources

<https://iga.in.gov/legislative/2025/bills/house/1268/details>

Requires the department of natural resources (department) to study certain information pertaining to ground water and water withdrawals. Provides that the department shall, not later than October 1, 2025, provide the legislative council a report of its findings.

House Bill 1268 was assigned to the House Committee on Utilities, Energy and Telecommunications and the first hearing on the bill has not yet been scheduled.

House Bill 1460: *Drainage Systems (Primary Platting)*

<https://iga.in.gov/legislative/2025/bills/house/1460/details>

Requires a unit to use data from the: (1) unit's 100 year flood map; and (2) the National Oceanic and Atmospheric Administration Atlas 14 to calculate and regulate storm water runoff from a developed or undeveloped plat. Requires a plat committee to take action on a plat application, including meeting with all necessary individuals, not later than 30 days after receiving the application. Provides that if a plan commission or plat committee fails to make written findings and a decision granting or denying primary approval to a plat not later than 60 days after a public hearing, then the plat is considered to have received primary approval.

House Bill 14608 was assigned to the House Committee on Utilities, Energy and Telecommunications and the first hearing on the bill will be held on Tuesday January 28, 2025 at 10:30 a.m. in Statehouse Room 156-A.