



INDIANA ASSOCIATION for FLOODPLAIN  
and STORMWATER MANAGEMENT

Legislative Report  
April 9, 2021

## 2021 Indiana General Assembly

### Bills of INAFSM Interest

Senate Bill 389: *Repeal of State Regulated Wetlands Law*

House Bill 1055: *Watershed Development Commissions*

House Bill 1395: *Various Natural Resource Matters*

**Senate Bill 389 Repeal of State Regulated Wetlands Law**

<http://iga.in.gov/legislative/2021/bills/senate/389>

Introduced by Senators Garten, Messmer, Rogers      Referred to Senate Committee on  
Environmental Affairs

Committee Hearing Date: January 25, 2021 at 10:00 a.m. in the Senate Chamber

Committee Vote: 8-3 in favor of bill

2<sup>nd</sup> Reading Date: January 28, 2021

3<sup>rd</sup> Reading Date: February 1, 2021

Senate Vote: 29 – 19 in favor of bill

Bill assigned to House Committee on Environmental Affairs

House Committee Hearing: Monday March 22 at 10:30 a.m. in the Indiana Government Center South

House Committee Hearing: Wednesday April 7 at 8:30 a.m. in the Indiana Government Center South

Committee Vote: 12 – 0 in favor of amended bill

2<sup>nd</sup> Reading Date: Monday April 12 at 11:00 a.m. in the Indiana Government Center South

3<sup>rd</sup> Reading Date:

House Vote:

Synopsis: The current version of the bill after Amendment 24 (attached) would revise state regulated wetlands law to, in general, allow more impacts to Class 1 Isolated Wetlands in agricultural settings, revise mitigation ratios for the In-Lieu Fee Program, and remove protection for isolated wetlands regulated only because they are adjacent to ephemeral streams. The bill also would send the issue of State regulation of wetlands to a study committee.

**What it Means:** This bill will result in some additional wetland loss, although IDEM informed the committee that the losses would **not** be in conflict with a no-net-loss goal. This version of the bill is much more acceptable than the original version or other amended versions. With the concerns many legislators have with IDEM and IDEM staff it does not seem likely that anything less than this last version of the bill will be acted on. It will be interesting to see if the Senate authors of the bill and the House sponsors accept this latest version or fight for more reductions in state control of state-regulated wetlands.

**INAFSM Position:** The elimination of protections for isolated wetlands will lead to these storage areas being filled and adverse impacts to streams, floodplains, and existing properties. With reduced storage in watersheds statewide, runoff will increase, and water quality will decrease. The issue of isolated wetlands and what changes, if any, should be made to the existing isolated wetlands program in Indiana should be carefully examined in a study committee. The issue is complicated and only a deliberate analysis of the matters surrounding isolated wetlands can provide reasonable solutions.

**House Bill 1055: Watershed Development Commissions**

<http://iga.in.gov/legislative/2021/bills/house/1055>

Introduced by Representative Aylesworth      Referred to House Committee on Natural Resources

Committee Hearing Date: February 9, 2021 in the Indiana Government Center South

Committee Vote: 10-2 in favor of bill and bill sent to House Committee on Ways and Means

Committee Hearing Date: February 16, 2021 in the State House of Representatives Chamber

Committee Vote: 17-1 in favor of bill; bill amended to send subject to Interim Study Committee

2<sup>nd</sup> Reading Date: February 18, 2021

3<sup>rd</sup> Reading Date: February 22, 2021

House Vote: 90 – 3 in favor of bill

Originally assigned to Senate Committee on Natural Resources but on March 9, 2021 bill was reassigned to Senate Committee on Appropriations

Senate Committee Hearing: April 1, 2021 in the Senate Chamber

Committee Vote: 10-1 in favor of bill; bill amended to codify gambling agreement between State and Pokagon Band of Potawatomi Indians and remove all language regarding Watershed Development Commissions; bill assigned to Senate Committee on Rules and Legislative Procedures which approved amended bill and forwarded to Senate for consideration

2<sup>nd</sup> Reading Date: April 5, 2021

3<sup>rd</sup> Reading Date: April 6, 2021

Senate Vote: 49 – 1 in favor of bill

Revised Synopsis: Codifies in State Law agreement between State and Pokagon Band of Potawatomi Indians and removes all language regarding Watershed Development Commissions.

**What it Means:** Bill now contains **no** language regarding Watershed Development Commissions.

**INAFSM Position:** Since it does not appear that language regarding watershed development commissions has been amended into another bill, no further tracking of this bill will occur.

**House Bill 1395: Various Natural Resource Matters**

<http://iga.in.gov/legislative/2021/bills/house/1395>

Introduced by Representative Dvorak

Referred to House Committee on Natural Resources

Committee Hearing Date: February 9, 2021 in the Indiana Government Center South

Committee Vote: 11-0 in favor of bill

2<sup>nd</sup> Reading Date: February 17, 2021

3<sup>rd</sup> Reading Date: February 22, 2021

Senate Vote: 92 – 0 in favor of bill

Originally assigned to Senate Committee on Natural Resources but on March 9, 2021 bill was reassigned to Senate Committee on Tax and Fiscal Policy

Senate Committee Hearing: March 16, 2021 in Senate Chamber

Committee Vote: 13-1 in favor of bill

2<sup>nd</sup> Reading Date: March 22, 2021

3<sup>rd</sup> Reading Date: March 23, 2021

House Vote: 47 – 2 in favor of bill

Synopsis: Various natural resources matters, including the preservation or rehabilitation of a historic property, commercial fishing, provides that the natural resources commission (commission) may adopt rules to electronically notify the public of rules adopted by the commission, fishing licenses and child support arrearages, wild animal permits, provides that the department may impose and collect fees for regulating underground petroleum storage, provides standards for contracts for the purchase of timber, makes technical corrections. Bill amended to allow local floodplain administrator to issue variance for building in Hendricks County built 23 inches above the Base Flood Elevation (BFE) instead of 24 inches above the BFE without approval from IDNR. Bill later amended to allow projects by the Kankakee and Yellow River Development Commission to use the early coordination process approved for regulated drain projects.

**What it Means:** The bill now addresses issue from House Bill 1436. IDNR does not believe bill will jeopardize state's participation in National Flood Insurance Program.

**INAFSM Position:** No position taken. Bill progress will be monitored.