

## SENATE BILL No. 32

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-9-27-30; IC 36-9-27-71.

**Synopsis:** Drainage law duties of county surveyors. Requires a county surveyor who is not registered as a land surveyor or professional engineer to employ a person registered as a land surveyor or professional engineer to perform the drainage job functions of a county surveyor that require a registered land surveyor or professional engineer. (Current law requires a county surveyor who is not registered as a professional engineer to employ a professional engineer to perform the drainage job functions of a county surveyor that require a professional engineer.) Provides that if a county full-time employee is a registered land surveyor or professional engineer and the county surveyor is not registered as a land surveyor or professional engineer,  
(Continued next page)

**Effective:** July 1, 1999.

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### Wheeler

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January 6, 1999, read first time and referred to Committee on Natural Resources.

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Digest Continued

the drainage board may designate the employee to perform the functions of the county surveyor that are allowed under the employee's land surveyor's or professional engineer's license. Allows a county surveyor registered as a land surveyor or professional engineer to approve plans and hydraulic data for certain regulated drains. (Current law allows a county surveyor registered as a professional engineer to approve plans and hydraulic data for certain regulated drains.)

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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## SENATE BILL No. 32



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-9-27-30 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 30. (a) Whenever the  
3 county surveyor is not registered under **IC 25-21.5** or IC 25-31 and  
4 that statute prohibits an unregistered person from performing any  
5 function that the county surveyor is directed to do under this chapter,  
6 the surveyor shall employ and fix the compensation of a person who is  
7 so registered to work with the surveyor in performing those functions.  
8 However, if the county surveyor does not employ a registered person  
9 within one (1) year of the acceptance of a petition for construction or  
10 reconstruction of a drain, the board may make the appointment of a  
11 registered person that this section requires.

12 (b) The person employed by the surveyor, who shall be known as a  
13 qualified deputy, shall file with the county surveyor the original of all  
14 plans, specifications, and other documents made by the person in  
15 performing the work for which the person was employed. Those plans,



1 specifications, and other documents become a part of the permanent  
2 file of the surveyor's office, which the surveyor shall maintain for the  
3 use of the board as provided in section 109 of this chapter.

4 (c) The rate of compensation paid to a qualified deputy shall be  
5 assessed against the drainage project for which the deputy was  
6 employed.

7 (d) This subsection applies whenever the county surveyor is not  
8 registered under **IC 25-21.5** or IC 25-31. If the county has a full-time  
9 employee who is registered **as a land surveyor under IC 25-21.5 or**  
10 **as a professional engineer under IC 25-31**, the board may, subject to  
11 the approval of the county executive, designate that person to perform  
12 ~~any function~~ **the functions** of the county surveyor under this chapter  
13 **that are allowed under the employee's license as a land surveyor or**  
14 **professional engineer**. If a designation is made and approved under  
15 this subsection, the county surveyor may not employ a registered  
16 person under subsection (a) to perform that same function.

17 SECTION 2. IC 36-9-27-71 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 71. (a) When, in the  
19 construction or reconstruction of a regulated drain, the county surveyor  
20 determines that the proposed drain will cross a public highway or the  
21 right-of-way of a railroad company at a point where:

22 (1) there is no crossing; or

23 (2) the crossing will not adequately handle or will be endangered  
24 by the flow of water from the drain when completed;

25 the county surveyor shall include in the plans the grade and cross  
26 section requirements for a new crossing, or the requirements for  
27 altering, enlarging, repairing, or replacing the crossing. The surveyor  
28 shall mail a copy of the requirements addressed to the owner of the  
29 highway or right-of-way.

30 (b) When requested by the owner of the highway or right-of-way,  
31 the county surveyor shall meet with the owner at a time and place to be  
32 fixed by the surveyor. The surveyor shall hear objections to the  
33 requirements, and may then change the requirements as justice may  
34 require.

35 (c) When the board finds that in the construction, reconstruction, or  
36 maintenance of a regulated drain it is necessary to:

37 (1) alter, enlarge, repair, or replace a crossing; or

38 (2) construct a new crossing where none existed before;

39 the cost of the work on the crossing shall be paid by the owner of the  
40 public highway. This cost may not be considered by the county  
41 surveyor or by the board in determining the cost of the work on the  
42 drain or in assessing benefits and damages. However, if it is necessary

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1 for the owner of a public highway to construct a new crossing because  
 2 of a cut-off for the purpose of shortening or straightening a regulated  
 3 drain, the owner of the public highway shall pay one-half (1/2) of the  
 4 cost of the new crossing, and the remainder shall be included in the  
 5 cost of the work on the drain.

6 (d) A railroad company with a right-of-way that is:

7 (1) crossed by the construction of a regulated drain; or

8 (2) affected by the altering or enlarging of a crossing;

9 shall pay one-half (1/2) of the cost of the work on the crossing and the  
 10 remainder shall be included in the cost of the work on the drain.

11 (e) If the county surveyor is registered under **IC 25-21.5 or**  
 12 **IC 25-31**, the county surveyor must review and approve or disapprove  
 13 the plans and hydraulic data for an existing crossing that is to be  
 14 altered, enlarged, repaired, or replaced, or the construction of a new  
 15 crossing for a public highway or the right-of-way of a railroad  
 16 company. The county surveyor shall disapprove the plans and hydraulic  
 17 data if they do not show that the structure will meet ~~structural and~~  
 18 hydraulic requirements that will permit the drain to function properly.  
 19 However, if the county surveyor is not registered under **IC 25-21.5 or**  
 20 **IC 25-31**, a registered person who is selected under section 30 of this  
 21 chapter shall:

22 (1) review and approve or disapprove the plans and specifications  
 23 described in this subsection;

24 (2) inform the county surveyor in writing of the approval or  
 25 disapproval; and

26 (3) submit all plans, specifications, and hydraulic data along with  
 27 the approval or disapproval.

28 Approval of the plans and hydraulic data by a person who is registered  
 29 under **IC 25-21.5 or IC 25-31** is required before the work may take  
 30 place.

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