
HOUSE BILL No. 1076

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-25-5.5; IC 36-9-27-15.

Synopsis: Drainage boards and regulated drains. Requires the water resources study committee to study the need for revisions in the law on regulated drains and, when the committee considers it appropriate, prepare legislation to make revisions in the law. Requires the water resources study committee to consider certain factors in studying the need for revisions in the law on regulated drains. Requires a drainage board, in exercising its authority over regulated drains located within a county, to ensure that the best management practices set forth in the Indiana drainage handbook are implemented to the greatest possible extent.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1076



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

- 1 SECTION 1. IC 2-5-25-5.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2000]: **Sec. 5.5. (a) Each year the water resources study**
- 4 **committee shall:**
- 5 (1) **study the need for revisions in IC 36-9-27; and**
- 6 (2) **when the committee considers it appropriate, prepare**
- 7 **legislation to make revisions that it believes are needed in**
- 8 **IC 36-9-27.**
- 9 (b) **The factors that the committee considers in studying the**
- 10 **need for revisions in IC 36-9-27 must include the following:**
- 11 (1) **The importance of preventing the delivery of nonpoint**
- 12 **source pollutants to downstream waters through regulated**
- 13 **drains.**
- 14 (2) **Whether ditch maintenance assessments should be used to**
- 15 **ensure that the costs of preventative measures such as:**
- 16 (A) **stream bank stabilization;**
- 17 (B) **the propagation of riparian vegetation; and**



- 1 **(C) the construction and maintenance of stable livestock**
 2 **access and stream crossings;**
 3 **are shared fairly by the owners of the lands drained by a**
 4 **regulated drain.**
 5 **(3) Whether a drainage board, with input from landowners,**
 6 **should be required to develop, for each regulated drain, a**
 7 **master plan based on sound watershed management practices**
 8 **that identifies sections of streams:**
 9 **(A) that are never accessed for drain maintenance; and**
 10 **(B) along which landowners are therefore authorized to**
 11 **restore protective riparian vegetation.**
 12 **(4) The need for a drainage board to consider the**
 13 **environmental effects of the construction, reconstruction, and**
 14 **maintenance of drains that are under the jurisdiction of the**
 15 **drainage board.**
 16 SECTION 2. IC 36-9-27-15 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) Each regulated
 18 drain in a county is under the jurisdiction of the board and subject to
 19 this chapter, except as otherwise provided by this chapter.
 20 **(b) In the exercise of its authority under this chapter, a drainage**
 21 **board shall ensure that the best management practices set forth in**
 22 **the Indiana drainage handbook prepared under P.L.329-1995 are**
 23 **implemented to the greatest possible extent.**

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