

Adopted Rejected

COMMITTEE REPORT

YES: 8
NO: 0

MR. SPEAKER:

Your Committee on Natural Resources, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, delete lines 9 through 17, begin a new paragraph and insert:
- 2 "Sec. 2. Except as provided in section 5 of this chapter, a person
- 3 who unreasonably improves the person's land by knowingly
- 4 collecting, concentrating, and discharging the diffused surface
- 5 water from the person's land as a body on a neighboring property
- 6 so that the water:
- 7 (1) stands on another person's land in an unusual quantity for
- 8 a prolonged period; or
- 9 (2) passes into or over another person's land in a large
- 10 quantity;
- 11 is liable for the actual damage caused to the other person by the
- 12 unreasonable altered flow of diffused surface water."
- 13 Page 2, delete line 1.
- 14 Page 2, line 2, delete "A" and insert "Except as provided in section
- 15 5 of this chapter, a".
- 16 Page 2, line 2, delete "the altered flow of" and insert "a landowner's

- 1 **actions under section 2 of this chapter".**
 - 2 Page 2, line 3, delete "water or diffused surface water".
 - 3 Page 2, line 5, delete "(a)".
 - 4 Page 2, delete lines 8 through 10, begin a new paragraph and insert:
 - 5 **"Sec. 5. This chapter does not apply to a person engaged in**
 - 6 **either or both of the following:**
 - 7 **(1) Building Class 2 structures (as defined in**
 - 8 **IC 22-12-1-5(a)(1)).**
 - 9 **(2) Developing land for residential purposes with appropriate**
 - 10 **local drainage approval."**
- (Reference is to HB 1278 as introduced.)

and when so amended that said bill do pass.

Representative Bischoff