

APPENDIX C

Senate Enrolled Act 303

First Regular Session 109th General Assembly (1995)

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 1994 General Assembly.

SENATE ENROLLED ACT No. 303

AN ACT concerning natural resources and to make an appropriation.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The water resources study committee is established.

(b) The committee consists of twelve (12) members of the general assembly appointed as follows:

(1) Six (6) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than three (3) of whom may be members of the same political party.

(2) Six (6) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than three (3) of whom may be members of the same political party.

(c) The president pro tempore of the senate shall appoint a member of the committee to serve as chairman of the committee during the first regular session of a general assembly and as vice chairman during the second regular session. The speaker of the



house of representatives shall appoint a member of the committee to serve as vice chairman during the first regular session of a general assembly and as chairman during the second regular session.

(d) The committee shall study and may make recommendations concerning all matters relating to the surface and ground water resources of Indiana, including the following:

(1) The usage, quality, and quantity of those water resources.

(2) Issues concerning diffused surface water, the common enemy doctrine, and runoff.

(e) The committee shall oversee the activities of the work group to produce a technical and administrative handbook for drainage projects and resolve disputes between members of the work group if necessary.

(f) The committee shall do the following:

(1) Operate under the direction of the legislative council.

(2) Issue reports when directed to do so by the legislative council.

(g) This SECTION expires January 1, 1997.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) There is created a work group to develop a technical and administrative handbook for drainage projects.

(b) The work group consists of eleven (11) members appointed as follows:

(1) Four (4) individuals, each of whom must be either a county surveyor or a member of a county drainage board appointed by the governor.

(2) The commissioner of the Indiana department of environmental management or the commissioner's designee.

(3) The director of the department of natural resources or the director's designee.

(4) A representative of the Natural Resources Conservation Service of the United States Department of Agriculture, appointed by the state conservationist of the Natural Resources Conservation Service.

(5) A representative of the United States Fish and Wildlife Service of the Department of the Interior, appointed by the Assistant Secretary for Fish and Wildlife and Parks.

(6) A representative of the United States Corps of Engineers, appointed by the Regulatory Program Representative of the Ohio River Division Office of the



Army Corps of Engineers.

(7) A representative of an agricultural organization appointed by the governor.

(8) A representative of an environmental organization appointed by the governor.

(c) The work group shall be under the direction of an individual who has entered into a contract with the department of natural resources to do the following:

(1) Facilitate the work group.

(2) Conduct public meetings to hear testimony and receive written comments.

(3) Write and edit the technical and administrative handbook for drainage projects.

(4) Issue reports to the water resources study committee when directed to do so.

(d) The handbook must contain at least the following:

(1) Technical descriptions of drainage project construction techniques.

(2) Best management practices for drainage projects that are protective of the environment and take into account onsite and offsite effects, cumulative effects, and downstream impacts.

(3) Explanations of agency permitting processes and procedures to be followed by permittees to assure compliance with all applicable statutes, rules, and regulations.

(4) Addresses and telephone numbers of agency employees who are responsible for permitting.

(5) Descriptions of compensatory measures for unavoidable environmental damage.

(6) Descriptions of projects that are exempt from state or federal regulation.

(7) A description of a process that allows clear and timely access by permit applicants to supervisors in agencies to review and discuss prospective permit conditions.

(8) Any other information the work group considers necessary.

(e) Members of the work group shall attempt to reach a consensus on issues discussed by the group. If the work group is unable to resolve a dispute, the facilitator shall submit the disputed issues to the water resources study committee for resolution.



(f) The department of natural resources shall provide clerical and administrative support to the work group and the facilitator.

(g) Upon completion of the handbook, the department of natural resources shall make the handbook available to county surveyors, drainage boards, other agencies, and the public.

(h) There is appropriated to the department of natural resources an amount sufficient for the purpose of entering into a contract with an individual described in subsection (c). There is appropriated to the department of natural resources fifty thousand dollars (\$50,000) to be used to pay the costs incurred under this SECTION, including the publication of the handbook for drainage projects and distribution to persons under subsection (g).

(i) This SECTION expires January 1, 1997.

SECTION 3. An emergency is declared for this act.

