

# HOUSE BILL No. 1318

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-27-7-6; IC 14-28-1-37.

**Synopsis:** Levee repair and agency wetland coordination. Provides that immediate action may be taken for the maintenance, alteration, repair, reconstruction, change in construction or location, or removal of a dike, floodwall, levee, or appurtenance if, in the opinion of the department of natural resources (DNR), immediate action is necessary due to the danger to human life or property. (Under current law, danger to property alone is not sufficient cause for immediate action.) Provides that if, in the opinion of the DNR, immediate action is necessary, the DNR may: (1) undertake the action by itself or through a contractor engaged by the DNR; or (2) authorize the owner of the property on which the dike, floodwall, levee, or appurtenance is located to undertake the action. Requires the DNR and the department of environmental management to issue a report on the process to improve efficiency, coordination, and transparency in programs for water quality certifications, permits for wetland activity, and permits for construction and excavation in floodways.

**Effective:** Upon passage; July 1, 2020.

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**Lindauer, Bartels, Davisson, Goodin**

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January 14, 2020, read first time and referred to Committee on Natural Resources.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1318

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

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

1 SECTION 1. IC 14-27-7-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) If at any time the  
3 condition of a levee, a dike, a floodwall, or an appurtenance becomes  
4 so dangerous to the safety of **human life and or** property that, in the  
5 opinion of the department, there is not sufficient time for the issuance  
6 and enforcement of a notice of violation for the maintenance,  
7 alteration, repair, reconstruction, change in construction or location, or  
8 removal of the dike, floodwall, levee, or appurtenance in the manner  
9 provided in this chapter, the department may immediately take the  
10 measures that are essential to provide emergency protection to:

- 11 (1) **human** life;
- 12 (2) **property**; or
- 13 (3) **both human life** and property.
- 14 (b) **The measures that the department may take under**
- 15 **subsection (a) include:**
  - 16 (1) **undertaking the maintenance, alteration, repair,**
  - 17 **reconstruction, change in construction or location, or removal**



1           **of the dike, floodwall, levee, or appurtenance:**

2           **(A) by itself; or**

3           **(B) through a contractor engaged by the department; or**

4           **(2) authorizing the owner of the property on which the dike,**  
 5           **floodwall, levee, or appurtenance is located to undertake the**  
 6           **maintenance, alteration, repair, reconstruction, change in**  
 7           **construction or location, or removal of the dike, floodwall,**  
 8           **levee, or appurtenance.**

9           ~~(b)~~ **(c)** The department may recover the cost of the emergency  
 10           measures **undertaken by the department under subsection (b)(1)**  
 11           from the owner by appropriate legal action.

12           SECTION 2. IC 14-28-1-37, AS ADDED BY P.L.214-2014,  
 13           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14           UPON PASSAGE]: Sec. 37. **(a)** The department and the department of  
 15           environmental management shall, not later than January 1, 2015,  
 16           develop and implement a process to improve efficiency and  
 17           transparency in programs for:

18           (1) water quality certifications from the department of  
 19           environmental management under IC 13-13-5-1(1) and Section  
 20           401 of the federal Clean Water Act (33 U.S.C. 1341);

21           (2) permits from the department of environmental management  
 22           for wetland activity in a state regulated wetland under  
 23           IC 13-18-22; and

24           (3) permits from the director for a structure, obstruction, deposit,  
 25           or excavation in a floodway under IC 14-28-1.

26           **(b) Before July 1, 2020, the department and the department of**  
 27           **environmental management shall:**

28           **(1) issue a report on the process to improve efficiency,**  
 29           **coordination, and transparency developed and implemented**  
 30           **under subsection (a), including a description of:**

31           **(A) actions taken to implement that process;**

32           **(B) the effect of the actions; and**

33           **(C) any barriers to finding further improvements and**  
 34           **efficiencies in permitting; and**

35           **(2) submit the report in an electronic format under IC 5-14-6**  
 36           **to the executive director of the legislative services agency for**  
 37           **distribution to the members of the general assembly.**

38           **This subsection expires July 1, 2021.**

39           SECTION 3. **An emergency is declared for this act.**

