



February 19, 2024

ENGROSSED SENATE BILL No. 105

DIGEST OF SB 105 (Updated February 19, 2024 11:11 am - DI 140)

Citations Affected: IC 36-9.

Synopsis: Updated Indiana Drainage Handbook. Requires the state department of agriculture (department) to oversee and take all actions necessary for the preparation and publication of an updated version of the Indiana Drainage Handbook. Authorizes the department to select a contractor to draft the updated version of the Indiana Drainage Handbook. Requires the secretary of agriculture and rural development to appoint an advisory board to advise the contractor and the department and to review and provide non-binding comments on the structure and the text of drafts of the updated Indiana Drainage Handbook. Provides that the advisory board must include representatives of certain organizations and state agencies and may include other members appointed by the secretary of agriculture and rural development.

Effective: July 1, 2024.

Leising, Glick, Buck

(HOUSE SPONSORS — BAIRD, LINDAUER, ABBOTT, PRESCOTT)

January 8, 2024, read first time and referred to Committee on Natural Resources.
January 22, 2024, reported favorably — Do Pass.
February 5, 2024, read second time, amended, ordered engrossed.
February 6, 2024, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Agriculture and Rural Development.

February 19, 2024, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 105—LS 6473/DI 55



February 19, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 105

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 36-9-27.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]:

4 **Chapter 27.2. Indiana Drainage Handbook**

5 **Sec. 1. As used in this chapter, "advisory board" refers to the**
6 **Indiana Drainage Handbook advisory board.**

7 **Sec. 2. As used in this chapter, "department" refers to the**
8 **Indiana state department of agriculture.**

9 **Sec. 3. As used in this chapter, "Indiana Drainage Handbook"**
10 **refers to the publication "Indiana Drainage Handbook: An**
11 **Administrative and Technical Guide for Activities within Indiana**
12 **Streams and Ditches", which was prepared by the Christopher B.**
13 **Burke Engineering company in accordance with P.L.329-1995,**
14 **published in 1996, and revised and republished in 1999.**

15 **Sec. 4. (a) The department shall oversee and take all actions**
16 **necessary for the preparation and publication of an updated**
17 **version of the Indiana Drainage Handbook.**

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1 (b) The department may select a contractor to draft the updated
2 version of the Indiana Drainage Handbook. The contractor
3 selected under this subsection shall be subject to the supervision of
4 the department, and the text developed by the contractor shall be
5 subject to review and comment by the advisory board established
6 by section 5 of this chapter.

7 Sec. 5. (a) The secretary of agriculture and rural development
8 shall appoint an Indiana Drainage Handbook advisory board to:

9 (1) advise the contractor and the department on the
10 preparation of the updated version of the Indiana Drainage
11 Handbook; and

12 (2) review and comment on:

13 (A) the structure of; and

14 (B) the text of drafts of;

15 the updated version of the Indiana Drainage Handbook.

16 (b) The advisory board must include the following:

17 (1) A representative of the department.

18 (2) A licensed county surveyor.

19 (3) A county commissioner.

20 (4) A representative of a soil and water conservation district.

21 (5) A licensed engineer.

22 (6) A representative of the department of natural resources.

23 (7) A representative of the department of environmental
24 management.

25 (8) A farmer.

26 (9) A representative of the construction industry.

27 (10) A representative of the United States Fish and Wildlife
28 Service.

29 (11) A representative of the United States Army Corps of
30 Engineers.

31 (12) A representative of the United States Department of
32 Agriculture's Natural Resources Conservation Service.

33 (13) An individual focused on environmental stewardship and
34 sustainability.

35 (c) The secretary of agriculture and rural development shall
36 appoint one (1) member of the advisory board as chairperson.

37 (d) A member of the advisory board serves until:

38 (1) the updated version of the Indiana Drainage Handbook is
39 published on the website of the department of natural
40 resources or the department; and

41 (2) the secretary of agriculture and rural development
42 declares that the work of the advisory board is concluded.



1 (e) A vacancy on the advisory board shall be filled by
2 appointment by the secretary of agriculture and rural
3 development.

4 Sec. 6. (a) The advisory board may not take official action or
5 make official recommendations on:

6 (1) general drainage policies;

7 (2) the text of drafts of the updated version of the Indiana
8 Drainage Handbook; or

9 (3) the structure of the updated version of the Indiana
10 Drainage Handbook.

11 (b) Advice and comments provided by the advisory board are
12 not binding on the department or the contractor selected under
13 section 4 of this chapter.

14 Sec. 7. (a) The advisory board shall meet at the call of the
15 chairperson. After the contractor is selected under section 4 of this
16 chapter, the advisory board:

17 (1) shall meet at least two (2) times to review the work of the
18 contractor; and

19 (2) may meet at other times at the call of the chairperson as
20 the contractor's work on the updated Indiana Drainage
21 Handbook progresses.

22 (b) The expenses of the advisory board shall be paid from funds
23 appropriated to the department.

24 (c) Each member of the advisory board who is not a state
25 employee is entitled to the minimum salary per diem provided by
26 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
27 for traveling expenses as provided under IC 4-13-1-4 and other
28 expenses actually incurred in connection with the member's duties
29 as provided in the state policies and procedures established by the
30 Indiana department of administration and approved by the budget
31 agency.

32 Sec. 8. (a) The department shall staff the advisory board.

33 (b) The department may record and keep records of comments
34 provided by the advisory board to the department or the
35 contractor selected under section 4 of this chapter.



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 105 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 8, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 105 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "advisory board" refers to the Indiana Drainage Handbook advisory board."

Page 1, line 5, delete "1." and insert "2."

Page 1, line 7, delete "2." and insert "3."

Page 1, line 13, delete "3." and insert "4."

Page 2, line 4, delete "4" and insert "5".

Page 2, delete lines 5 through 42, begin a new paragraph and insert:

"Sec. 5. (a) The secretary of agriculture and rural development shall appoint an Indiana Drainage Handbook advisory board to:

(1) advise the contractor and the department on the preparation of the updated version of the Indiana Drainage Handbook; and

(2) review and comment on:

(A) the structure of; and

(B) the text of drafts of;

the updated version of the Indiana Drainage Handbook.

(b) The advisory board must include the following:

(1) A representative of the department.

(2) A licensed county surveyor.

(3) A county commissioner.

(4) A representative of a soil and water conservation district.

(5) A licensed engineer.

(6) A representative of the department of natural resources.

(7) A representative of the department of environmental



management.

(8) A farmer.

(9) A representative of the construction industry.

(10) A representative of the United States Fish and Wildlife Service.

(11) A representative of the United States Army Corps of Engineers.

(12) A representative of the United States department of Agriculture's Natural Resources Conservation Service.

(13) An individual focused on environmental stewardship and sustainability.

(c) The secretary of agriculture and rural development shall appoint one (1) member of the advisory board as chairperson.

(d) A member of the advisory board serves until:

(1) the updated version of the Indiana Drainage Handbook is published on the website of the department of natural resources or the department; and

(2) the secretary of agriculture and rural development declares that the work of the advisory board is concluded.

(e) A vacancy on the advisory board shall be filled by appointment by the secretary of agriculture and rural development.

Sec. 6. (a) The advisory board may not take official action or make official recommendations on:

(1) general drainage policies;

(2) the text of drafts of the updated version of the Indiana Drainage Handbook; or

(3) the structure of the updated version of the Indiana Drainage Handbook.

(b) Advice and comments provided by the advisory board are not binding on the department or the contractor selected under section 4 of this chapter.

Sec. 7. (a) The advisory board shall meet at the call of the chairperson. After the contractor is selected under section 4 of this chapter, the advisory board:

(1) shall meet at least two (2) times to review the work of the contractor; and

(2) may meet at other times at the call of the chairperson as the contractor's work on the updated Indiana Drainage Handbook progresses.

(b) The expenses of the advisory board shall be paid from funds appropriated to the department.



(c) Each member of the advisory board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. (a) The department shall staff the advisory board.

(b) The department may record and keep records of comments provided by the advisory board to the department or the contractor selected under section 4 of this chapter."

Delete page 3.

(Reference is to SB 105 as printed January 23, 2024.)

LEISING

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 105 as reprinted February 6, 2024.)

AYLESWORTH

Committee Vote: Yeas 11, Nays 0

