



January 23, 2024

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## SENATE BILL No. 184

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DIGEST OF SB 184 (Updated January 19, 2024 9:28 am - DI 140)

**Citations Affected:** IC 14-28.

**Synopsis:** Removal of debris from streams. Authorizes a person to remove debris from a stream under certain conditions without the need to obtain a permit from the department of natural resources.

**Effective:** July 1, 2024.

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January 9, 2024, read first time and referred to Committee on Natural Resources.  
January 22, 2024, reported favorably — Do Pass.

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SB 184—LS 6856/DI 55





January 23, 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.

## SENATE BILL No. 184

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 14-28-1-22.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: **Sec. 22.4. (a) As used in this section,**  
4 **"debris" means:**  
5 (1) **naturally occurring material such as tree limbs; or**  
6 (2) **manmade material;**  
7 **that is lodged in a stream and may impede the natural flow of**  
8 **water in the stream.**  
9 (b) **As used in this section, "stream" means a natural or altered**  
10 **creek or watercourse that:**  
11 (1) **has definable banks and a bed capable of conducting**  
12 **runoff;**  
13 (2) **bears visible evidence of the flow or occurrence of water;**  
14 **and**  
15 (3) **is not:**  
16 (A) **a navigable river, as identified by the commission in**  
17 **the roster of Indiana waterways declared navigable or**

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- 1                    **nonnavigable; or**
- 2                    **(B) a recreational stream, as designated by the commission**
- 3                    **under IC 14-29-8.**
- 4                    **(c) A person may remove debris from a stream under the**
- 5                    **following conditions:**
- 6                    **(1) The stream crosses or adjoins land:**
- 7                    **(A) that the person owns or rents; or**
- 8                    **(B) on which the person is authorized by the owner or**
- 9                    **renter to be present for the purposes of debris removal**
- 10                   **under this section.**
- 11                   **(2) The person removes the debris from the stream using the**
- 12                   **means that are the safest, in regard to the physical safety of**
- 13                   **the person removing the debris and others, of the means**
- 14                   **reasonably available.**
- 15                   **(3) The person removes the debris from the area of the stream**
- 16                   **and disposes of the debris in a lawful manner.**
- 17                   **(4) The person:**
- 18                   **(A) causes no significant damage to the banks or bed of the**
- 19                   **stream; and**
- 20                   **(B) takes reasonable steps to minimize the disturbance of**
- 21                   **the stream;**
- 22                   **in removing the debris.**
- 23                   **(d) A person removing debris from a stream under this section**
- 24                   **may use mechanical equipment appropriate to the task of**
- 25                   **removing the debris, subject to subsection (c)(4).**
- 26                   **(e) The removal of debris from a stream in compliance with this**
- 27                   **section:**
- 28                   **(1) is not an excavation prohibited by section 20 of this**
- 29                   **chapter; and**
- 30                   **(2) is not an action for which a permit is required under**
- 31                   **section 22(c) of this chapter or any other provision of this title.**
- 32                   **(f) This section does not relieve a person of any requirement or**
- 33                   **restriction that may apply under:**
- 34                   **(1) Section 404 of the federal Clean Water Act (33 U.S.C.**
- 35                   **1344); or**
- 36                   **(2) IC 13-18-22 (State Regulated Wetlands).**



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 184, 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 184 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 8, Nays 0

