



January 24, 2023

SENATE BILL No. 242

DIGEST OF SB 242 (Updated January 19, 2023 3:52 pm - DI 150)

Citations Affected: IC 14-28; IC 32-21.

Synopsis: DNR best floodplain mapping data. Repeals a provision that requires a local floodplain administrator to use the "best floodplain mapping data available" when reviewing an application for a permit to authorize construction in or near a floodplain. Requires an owner to disclose in a real estate disclosure form whether any portion of the real estate is located in a floodplain, as determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or a FEMA approved local floodplain map.

Effective: July 1, 2023.

Leising, Garten

January 10, 2023, read first time and referred to Committee on Natural Resources.
January 23, 2023, amended, reported favorably — Do Pass.

SB 242—LS 7075/DI 55



January 24, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 242

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 IC 14-28-1-40 IS REPEALED [EFFECTIVE JULY 1,
2 2023]. ~~Sec. 40. A local floodplain administrator shall utilize the best~~
3 ~~floodplain mapping data available as provided by the department and~~
4 ~~located on the Indiana Floodplain Information Portal when reviewing~~
5 ~~a permit application for a structure or a construction activity in, or near,~~
6 ~~a floodplain.~~

7 SECTION 2. IC 32-21-5-7, AS AMENDED BY P.L.111-2018,
8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 7. The Indiana real estate commission established
10 by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains
11 the following:

- 12 (1) Disclosure by the owner of the known condition of the
13 following:
14 (A) The foundation.
15 (B) The mechanical systems.
16 (C) The roof.
17 (D) The structure.

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- 1 (E) The water and sewer systems.
 2 (F) Additions that may require improvements to the sewage
 3 disposal system.
 4 (G) Other areas that the Indiana real estate commission
 5 determines are appropriate.
 6 (2) Disclosure by the owner of known:
 7 (A) contamination caused by the manufacture of a controlled
 8 substance (as defined by IC 35-48-1-9) on the property that
 9 has not been certified as decontaminated by a qualified
 10 inspector who is certified under IC 16-19-3.1; or
 11 (B) manufacture of methamphetamine or dumping of waste
 12 from the manufacture of methamphetamine in a residential
 13 structure on the property.
 14 (3) A notice to the prospective buyer that contains substantially
 15 the following language:
 16 "The prospective buyer and the owner may wish to obtain
 17 professional advice or inspections of the property and provide for
 18 appropriate provisions in a contract between them concerning any
 19 advice, inspections, defects, or warranties obtained on the
 20 property."
 21 (4) A notice to the prospective buyer that contains substantially
 22 the following language:
 23 "The representations in this form are the representations of the
 24 owner and are not the representations of the agent, if any. This
 25 information is for disclosure only and is not intended to be a part
 26 of any contract between the buyer and owner."
 27 (5) A disclosure by the owner that an airport is located within a
 28 geographical distance from the property as determined by the
 29 Indiana real estate commission. The commission may consider the
 30 differences between an airport serving commercial airlines and an
 31 airport that does not serve commercial airlines in determining the
 32 distance to be disclosed.
 33 **(6) A disclosure by the owner as to whether any portion of the**
 34 **real estate is located in a floodplain, as determined by:**
 35 **(A) the Federal Emergency Management Agency's**
 36 **(FEMA) Flood Insurance Rate Maps; or**
 37 **(B) a FEMA approved local floodplain map.**



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Page 1, after line 6, begin a new paragraph and insert:

"SECTION 2. IC 32-21-5-7, AS AMENDED BY P.L.111-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

- (A) The foundation.
- (B) The mechanical systems.
- (C) The roof.
- (D) The structure.
- (E) The water and sewer systems.
- (F) Additions that may require improvements to the sewage disposal system.
- (G) Other areas that the Indiana real estate commission determines are appropriate.

(2) Disclosure by the owner of known:

- (A) contamination caused by the manufacture of a controlled substance (as defined by IC 35-48-1-9) on the property that has not been certified as decontaminated by a qualified inspector who is certified under IC 16-19-3.1; or
- (B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property.

(3) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(4) A notice to the prospective buyer that contains substantially



the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(5) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

(6) A disclosure by the owner as to whether any portion of the real estate is located in a floodplain, as determined by:

(A) the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps; or

(B) a FEMA approved local floodplain map."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 242 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 6, Nays 2.

