



February 14, 2022

ENGROSSED SENATE BILL No. 342

DIGEST OF SB 342 (Updated February 14, 2022 10:47 am - DI 140)

Citations Affected: IC 14-28.

Synopsis: Flood plain management. Provides that in a county having a population within certain parameters, a local flood plain administrator may issue a variance allowing a structure located in a floodway to remain in its location without a permit issued by the director of the department of natural resources if the structure is an abode or residence, a permit for the construction of the abode or residence was issued by the appropriate official of the county before December 19, 2018, and other conditions are met.

Effective: Upon passage.

Raatz, Kruse

(HOUSE SPONSORS — BARRETT, PRESCOTT)

January 11, 2022, read first time and referred to Committee on Natural Resources.
January 24, 2022, amended, reported favorably — Do Pass.
January 27, 2022, read second time, ordered engrossed. Engrossed.
February 1, 2022, read third time, passed. Yeas 40, nays 8.

HOUSE ACTION

February 8, 2022, read first time and referred to Committee on Natural Resources.
February 14, 2022, reported — Do Pass.

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February 14, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 342

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

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

- 1 SECTION 1. IC 14-28-1-22.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 22.3. (a) This section applies**
4 **to local flood plain administrators in a county having a population**
5 **of more than sixty-five thousand (65,000) and less than sixty-six**
6 **thousand six hundred (66,600).**
7 **(b) A local flood plain administrator may issue a variance**
8 **allowing a structure located in a floodway to remain in its location**
9 **without a permit issued by the director of the department under**
10 **section 22 of this chapter if:**
11 **(1) the structure is an abode or residence;**
12 **(2) a permit for the construction of the abode or residence was**
13 **issued by the appropriate official of the county in which the**
14 **abode or residence was constructed;**
15 **(3) the permit was issued before December 19, 2018;**
16 **(4) the location of the abode or residence was not shown as**
17 **being within a special flood hazard area or a Zone A in the**

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1 **Federal Emergency Management Agency Flood Insurance**
2 **Rate Map that was available to the county official when the**
3 **county official issued the permit; and**
4 **(5) the abode or residence was built in compliance with the**
5 **permit.**
6 **(c) This section expires July 1, 2023.**
7 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 342, 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:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 29, begin a new paragraph and insert:

"SECTION 1. IC 14-28-1-22.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.3. (a) This section applies to local flood plain administrators in a county having a population of more than sixty-five thousand (65,000) and less than sixty-six thousand six hundred (66,600).**

(b) A local flood plain administrator may issue a variance allowing a structure located in a floodway to remain in its location without a permit issued by the director of the department under section 22 of this chapter if:

- (1) the structure is an abode or residence;**
- (2) a permit for the construction of the abode or residence was issued by the appropriate official of the county in which the abode or residence was constructed;**
- (3) the permit was issued before December 19, 2018;**
- (4) the location of the abode or residence was not shown as being within a special flood hazard area or a Zone A in the Federal Emergency Management Agency Flood Insurance Rate Map that was available to the county official when the county official issued the permit; and**
- (5) the abode or residence was built in compliance with the permit.**

(c) This section expires July 1, 2023."

and when so amended that said bill do pass.

(Reference is to SB 342 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 7, Nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 342, 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 342 as printed January 25, 2022.)

EBERHART

Committee Vote: Yeas 12, Nays 0

