



Reprinted
April 12, 2001

ENGROSSED SENATE BILL No. 152

DIGEST OF SB 152 (Updated April 11, 2001 3:30 PM - DI 106)

Citations Affected: IC 36-9.

Synopsis: Drainage for developments. Requires a person who lays out a subdivision of lots or lands outside a municipality to obtain the approval of the county drainage board of the plans and specifications for the drainage of the subdivision tract before proceeding with development of the subdivision tract. Specifies the standards that the plan and specifications must comply with. Provides that the county drainage board may approve an alternate plan that does not comply with the standard concerning the entrance and exit of surface water.

Effective: July 1, 2001.

Wheeler, Hume

(HOUSE SPONSORS — STURTZ, SCHOLER)

January 8, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.

February 1, 2001, amended, reported favorably — Do Pass.

February 5, 2001, read second time, amended, ordered engrossed.

February 6, 2001, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

March 27, 2001, reported — Do Pass.

April 11, 2001, read second time, amended, ordered engrossed.

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ES 152—LS 6974/DI 87+



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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

ENGROSSED SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-9-27-69.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 69.5. (a) Unless otherwise**
4 **required by an ordinance of the county, a person who lays out a**
5 **subdivision of lots or lands outside the corporate boundaries of any**
6 **municipality must submit plans and specifications for the drainage**
7 **of the subdivision in accordance with this section. The county**
8 **drainage board must approve the drainage plan before the person**
9 **may proceed with development of the subdivision.**
10 (b) A drainage plan and specifications submitted under
11 subsection (a) to the county drainage board must comply with this
12 chapter. Except as provided in subsection (c), the plan must comply
13 with the following standards:
14 (1) The plan must maintain the amount of drainage through
15 the tract that existed when the tract was created. If any tiles
16 are cut, broken down, or rendered useless during the
17 construction activity on the tract, the landowner will be

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1 **responsible for the repair, replacement, or relocation of the**
2 **tile.**
3 **(2) The plan may not change the locations where surface**
4 **water enters the tract and exits the tract from the locations**
5 **that existed when the tract was created.**
6 **(3) Water which sheds off of a new structure, especially when**
7 **the new structure is elevated or near a property line, or both,**
8 **must exit the tract in the same location where it did when the**
9 **tract was created.**
10 **(c) The county drainage board may approve an alternate plan**
11 **that does not comply with the standard set forth in subsection**
12 **(b)(2).**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 152, 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, line 6, after "board" insert "**or a technical review committee that includes the county surveyor**".

Page 1, line 9, after "submitted" insert "**under subsection (a)**".

Page 1, line 10, delete "under" and insert "**or the technical review committee referred to in**".

Page 1, line 10, after "with" insert "**this chapter. Except as provided in subsection (c), the plan must comply with**".

Page 2, delete line 8, begin a new paragraph and insert:

"(c) The county drainage board or a technical review committee that includes the county surveyor may approve an alternate technical design that does not comply with the standard set forth in subsection (b)(2)."

and when so amended that said bill do pass.

(Reference is to SB 152 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Hume be added as coauthor of Senate Bill 152.

WHEELER

SENATE MOTION

Mr. President: I move that Senate Bill 152 be amended to read as follows:

Page 1, line 7, after "surveyor" insert "**, a representative of the county highway engineering department, and a representative of the county health department as established by local ordinance**".

Page 2, line 12, after "surveyor" insert "**, a representative of the county highway engineering department, and a representative of the county health department as established by local ordinance**".

(Reference is to SB 152 as printed February 2, 2001.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 152, 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.

LYTLE, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 152 be amended to read as follows:

Page 1, line 3, after "(a)" delete "A" and insert "**Unless otherwise required by an ordinance of the county, a**".

Page 1, line 6, after "subdivision" insert "**in accordance with this section**".

Page 1, line 6, after "board" delete "or a technical review".

Page 1, delete lines 7 through 9.

Page 1, line 13, after "board" delete "or the technical review".

Page 1, line 14, delete "committee referred to in subsection (a)".

Page 2, line 13, after "board" delete "or a technical review committee".

Page 2, delete lines 14 through 15.

Page 2, line 16, delete "county health department as established by local ordinance".

Page 2, line 17, delete "technical design" and insert "**plan**".

(Reference is to ESB 152 as printed March 28, 2001.)

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