



Reprinted
February 6, 2001

SENATE BILL No. 152

DIGEST OF SB 152 (Updated February 5, 2001 3:10 PM - DI 87)

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 or technical review committee 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 or technical review committee may approve an alternate design that does not comply with the standard concerning the entrance and exit of surface water.

Effective: July 1, 2001.

Wheeler, Hume

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.

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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.

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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) A person who lays out a**
4 **subdivision of lots or lands outside the corporate boundaries of any**
5 **municipality must submit plans and specifications for the drainage**
6 **of the subdivision. The county drainage board or a technical review**
7 **committee that includes the county surveyor, a representative of**
8 **the county highway engineering department, and a representative**
9 **of the county health department as established by local ordinance**
10 **must approve the drainage plan before the person may proceed**
11 **with development of the subdivision.**

12 (b) A drainage plan and specifications submitted under
13 subsection (a) to the county drainage board or the technical review
14 committee referred to in subsection (a) must comply with this
15 chapter. Except as provided in subsection (c), the plan must comply
16 with the following standards:

17 (1) The plan must maintain the amount of drainage through

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1 **the tract that existed when the tract was created. If any tiles**
2 **are cut, broken down, or rendered useless during the**
3 **construction activity on the tract, the landowner will be**
4 **responsible for the repair, replacement, or relocation of the**
5 **tile.**
6 **(2) The plan may not change the locations where surface**
7 **water enters the tract and exits the tract from the locations**
8 **that existed when the tract was created.**
9 **(3) Water which sheds off of a new structure, especially when**
10 **the new structure is elevated or near a property line, or both,**
11 **must exit the tract in the same location where it did when the**
12 **tract was created.**
13 **(c) The county drainage board or a technical review committee**
14 **that includes the county surveyor, a representative of the county**
15 **highway engineering department, and a representative of the**
16 **county health department as established by local ordinance may**
17 **approve an alternate technical design that does not comply with**
18 **the standard set forth in subsection (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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