

HOUSE BILL No. 1187

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-30; IC 14-30.5.

Synopsis: Watershed development commissions. Alters the membership of a watershed development commission (commission) board. Allows a county to join a commission if any part of the designated watershed lies within boundaries of the county. Alters what must be considered regarding the membership and the activities of a commission. Provides that a commission may take certain actions with respect to certain flood plains. Expands permitted uses for certain funds collected by a commission and establishes certain budget limits. Provides that the department of natural resources's division of water shall provide a commission with a written summary of the division's review of certain public works projects within 30 days of the review. Makes conforming changes.

Effective: July 1, 2025.

Aylesworth

January 8, 2025, read first time and referred to Committee on Natural Resources.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1187

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 14-30-2-25, AS ADDED BY P.L.251-2023,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 25. (a) The commission:
4 (1) may; but
5 (2) is not required to;
6 consider a proposal to transform the commission from a river basin
7 commission subject to this chapter into a watershed development
8 commission subject to IC 14-30.5.
9 (b) For the commission to be transformed from a river basin
10 commission subject to this chapter into a watershed development
11 commission subject to IC 14-30.5:
12 (1) the county executives of all participating counties:
13 (A) must approve the proposal described in subsection (a); and
14 (B) must adopt substantively identical ordinances that set forth
15 the information required by IC 14-30.5-2-1(b), including, for
16 the purposes of IC 14-30.5-2-0.5, the designated watershed
17 within which the proposed watershed development



- 1 commission would exercise its powers; and
- 2 (2) a majority of the voting members of the commission must vote
- 3 in favor of the transformation of the commission into a watershed
- 4 development commission in accordance with the ordinances
- 5 adopted under subdivision (1)(B) and the provisions of this
- 6 section.
- 7 (c) For the county executive of a participating county to approve a
- 8 proposal described in subsection (a) under subsection (b)(1)(A), at
- 9 least two (2) of the three (3) members of the county executive must
- 10 vote in favor of the proposal.
- 11 (d) If a member of the county executive of a participating county has
- 12 designated another individual under section 10 of this chapter to
- 13 perform the member's duties on the commission, the individual
- 14 designated to perform the duties of the member of the county executive
- 15 may vote under subsection (b)(2) on the proposal described in
- 16 subsection (a).
- 17 (e) If the county executives of all participating counties approve a
- 18 proposal described in subsection (a) under subsection (b)(1)(A) and
- 19 adopt substantively identical ordinances under subsection (b)(1)(B), a
- 20 majority of the voting members of the commission vote in favor of the
- 21 transformation of the commission into a watershed development
- 22 commission under subsection (b)(2), and the natural resources
- 23 commission approves the transformation of the commission into a
- 24 watershed development commission with the purposes set forth in the
- 25 ordinances adopted under subsection (b)(1)(B), the following apply:
- 26 (1) The commission shall notify the natural resources commission
- 27 and the department of the approval of the proposal.
- 28 (2) The officers of the commission elected under section 11 of
- 29 this chapter shall take the actions necessary and appropriate to the
- 30 transformation of the commission from a river basin commission
- 31 subject to this chapter into a watershed development commission
- 32 subject to IC 14-30.5.
- 33 (3) The board of the watershed development commission consists
- 34 of the following:
- 35 (A) The director of the department or the director's designee.
- 36 (B) The county surveyor of each county participating in the
- 37 commission.
- 38 (C) ~~An individual other than the county surveyor representing~~
- 39 ~~each county participating in the commission, appointed by the~~
- 40 ~~county executive. A member of the county executive from~~
- 41 ~~each county participating in the commission or the~~
- 42 ~~member's designee.~~



(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the Maumee River basin; or

(ii) if a participating county does not include a second class city that is located within the Maumee River basin; one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the Maumee River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city or; if the second class city has no board of storm water management; by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the Maumee River basin shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the municipality or; if the municipality has no board of storm water management; by the executive of the municipality.

(D) One (1) individual appointed to represent each second class city that is located in a participating county and within the Maumee River basin. An individual appointed to represent a second class city under this clause shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city, or if the second class city has no board of storm water management, by the executive of the second class city.

(E) A member of the county soil and water conservation district board from each participating county within the Maumee River basin or the member's designee.

(4) The director of the department or the director's designee:

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in ~~IC 14-30.5-4-1(a)(1).~~ **IC 14-30.5-4-1(a)(2)(A).**



(5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:

(A) the Maumee River basin commission ceases to exist as a separate municipal corporation under this chapter;

(B) the Maumee watershed development commission is established as a public body corporate and politic under IC 14-30.5;

(C) the participating counties of the Maumee River basin commission become member counties of the Maumee watershed development commission under IC 14-30.5; and

(D) each participating county of the Maumee River basin commission is authorized to appoint **an individual a member of the county executive or the member's designee** under IC 14-30.5-4-1 to represent the county on the board of the Maumee watershed development commission.

(f) If established under this section, the Maumee watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of; the former Maumee River basin commission.

(g) If established under this section, the Maumee watershed development commission has all of the powers and duties of a watershed development commission under IC 14-30.5 in the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission comprise the designated watershed of the Maumee watershed development commission.

(h) If the Maumee watershed development commission is established under this section, the board of the Maumee watershed development commission shall appoint an executive director under IC 14-30.5-4-2(e). An individual who was executive director of the Maumee River basin commission may be appointed executive director of the Maumee watershed development commission under this subsection.



(i) If the Maumee watershed development commission is established under this section, all property, records, and funds of the former Maumee River basin commission:

(1) become property, records, and funds of the Maumee watershed development commission; and

(2) shall be transmitted to the Maumee watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (h).

SECTION 2. IC 14-30-3-33, AS ADDED BY P.L.251-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 33. (a) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5.

(b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5:

(1) the county executives of all participating counties:

(A) must approve the proposal described in subsection (a); and

(B) must adopt substantively identical ordinances that set forth the information required by IC 14-30.5-2-1(b), including, for the purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(c) For the county executive of a participating county to approve a proposal described in subsection (a) under subsection (b)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.

(d) If a member of the county executive of a participating county has designated another individual under section 8(2) of this chapter to fill the member's position on the commission, the individual designated to fill the member's position may vote under subsection (b)(2) on the proposal described in subsection (a).

(e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and



1 adopt substantively identical ordinances under subsection (b)(1)(B), a
 2 majority of the voting members of the commission vote in favor of the
 3 transformation of the commission into a watershed development
 4 commission under subsection (b)(2), and the natural resources
 5 commission approves the transformation of the commission into a
 6 watershed development commission with the purposes set forth in the
 7 ordinances adopted under subsection (b)(1)(B), the following apply:

8 (1) The commission shall notify the natural resources commission
 9 and the department of the approval of the proposal.

10 (2) The officers of the commission elected under section 11 of
 11 this chapter shall take the actions necessary and appropriate to the
 12 transformation of the commission from a river basin commission
 13 subject to this chapter into a watershed development commission
 14 subject to IC 14-30.5.

15 (3) The board of the watershed development commission consists
 16 of the following:

17 (A) The director of the department or the director's designee.

18 (B) The county surveyor of each county participating in the
 19 commission.

20 (C) An individual other than the county surveyor representing
 21 each county participating in the commission, appointed by the
 22 county executive.

23 (D) Either:

24 (i) one (1) individual appointed to represent each second
 25 class city that is located in a participating county and within
 26 the St. Joseph River basin; or

27 (ii) if a participating county does not include a second class
 28 city that is located within the St. Joseph River basin, one (1)
 29 individual appointed to represent the municipality that has
 30 the largest population of all municipalities that are located
 31 in the participating county and within the St. Joseph River
 32 basin.

33 An individual appointed to represent a second class city under
 34 item (i) shall be appointed by the board of storm water
 35 management (as described in IC 8-1.5-5-4) of the second class
 36 city or, if the second class city has no board of storm water
 37 management, by the executive of the second class city. An
 38 individual appointed under item (ii) to represent the
 39 municipality that has the largest population of all
 40 municipalities that are located in the participating county and
 41 within the St. Joseph River basin shall be appointed by the
 42 board of storm water management (as described in



- 1 IC 8-1.5-5-4) of the municipality or, if the municipality has no
 2 board of storm water management, by the executive of the
 3 municipality.
- 4 (4) The director of the department or the director's designee:
 5 (A) shall advise the commission on the transformation of the
 6 commission into a watershed development commission subject
 7 to IC 14-30.5; and
 8 (B) when the board of the watershed development commission
 9 is formed, shall assume the position on the board of the
 10 watershed development commission specified in
 11 ~~IC 14-30.5-4-1(a)(1)~~. **IC 14-30.5-4-1(a)(1)(A).**
- 12 (5) The watershed development commission board may not meet
 13 until the natural resources commission has given the approval
 14 referred to in this subsection. Upon the convening of the first
 15 meeting under IC 14-30.5-4 of the board of the watershed
 16 development commission:
 17 (A) the St. Joseph River basin commission ceases to exist as
 18 a separate municipal corporation under this chapter;
 19 (B) the St. Joseph watershed development commission is
 20 established as a public body corporate and politic under
 21 IC 14-30.5;
 22 (C) the participating counties of the St. Joseph River basin
 23 commission become member counties of the St. Joseph
 24 watershed development commission under IC 14-30.5; and
 25 (D) each participating county of the St. Joseph River basin
 26 commission is authorized to appoint an individual described
 27 in subdivision (3)(C) to represent the county on the board of
 28 the St. Joseph watershed development commission.
- 29 (f) If established under this section, the St. Joseph watershed
 30 development commission:
 31 (1) is a continuation of;
 32 (2) retains the property and rights of; and
 33 (3) is responsible for the actions and subject to the liabilities of;
 34 the former St. Joseph River basin commission.
- 35 (g) If established under this section, the St. Joseph watershed
 36 development commission has all of the powers and duties of a
 37 watershed development commission under IC 14-30.5 in the areas of
 38 the watershed of the St. Joseph River and the tributaries of the St.
 39 Joseph River that are within the boundaries of the member counties of
 40 the St. Joseph watershed development commission. For the purposes
 41 of IC 14-30.5, the areas of the watershed of the St. Joseph River and the
 42 tributaries of the St. Joseph River that are within the boundaries of the



1 member counties of the St. Joseph watershed development commission
 2 comprise the designated watershed of the St. Joseph watershed
 3 development commission.

4 (h) If the St. Joseph watershed development commission is
 5 established under this section, the board of the St. Joseph watershed
 6 development commission shall appoint an executive director under
 7 IC 14-30.5-4-2(e). An individual who was executive director of the St.
 8 Joseph River basin commission may be appointed executive director
 9 of the St. Joseph watershed development commission under this
 10 subsection.

11 (i) If the St. Joseph watershed development commission is
 12 established under this section, the following apply:

13 (1) All property, records, and funds of the St. Joseph River basin
 14 commission:

15 (A) become property, records, and funds of the St. Joseph
 16 watershed development commission; and

17 (B) shall be transmitted to the St. Joseph watershed
 18 development commission not more than sixty (60) days after
 19 the appointment of the executive director under subsection (h).

20 (2) Any advisory committee appointed under section 13 of this
 21 chapter is dissolved.

22 (3) The individuals serving as members of the St. Joseph River
 23 basin commission under section 8 of this chapter become the
 24 members of the advisory committee of the St. Joseph watershed
 25 development commission. Upon the expiration under section 9 of
 26 this chapter or other termination of the term of office of an
 27 individual described in this subdivision, the office of the
 28 individual shall be filled by a successor according to subdivision
 29 (4).

30 (4) As provided in subdivision (3) and IC 14-30.5-4-5(c)(3), upon
 31 the termination of the terms of office of all of the individuals who
 32 become members of the advisory committee under subdivision
 33 (3), the advisory committee of the St. Joseph watershed
 34 development commission shall consist of the following members:

35 (A) From each participating county the following:

36 (i) The executive of each second class city that is located in
 37 the participating county and within the St. Joseph River
 38 basin, or the executive's designee.

39 (ii) If the county does not have a second class city that is
 40 located within the St. Joseph River basin, the executive of
 41 the municipality that has the largest population of all
 42 municipalities that are located in the participating county



and within the St. Joseph River basin, or the executive's designee.

(B) A member of the county executive or the county executive's designee from each participating county.

(C) The county health officer or the health officer's designee from each participating county.

(D) The county surveyor of each participating county or the county surveyor's designee.

(E) A representative of each soil and water conservation district that:

(i) is subject to IC 14-32;

(ii) includes territory in a participating county; and

(iii) includes territory in the St. Joseph river basin.

(F) The director of the St. Joseph watershed development commission or the director's designee.

SECTION 3. IC 14-30-4-20, AS ADDED BY P.L.251-2023, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 20. (a) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5.

(b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5:

(1) the county executives of all participating counties:

(A) must approve the proposal described in subsection (a); and

(B) must adopt substantively identical ordinances that set forth the information required by IC 14-30.5-2-1(b), including, for the purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(c) For the county executive of a participating county to approve a proposal described in subsection (a) under subsection (b)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.



(d) If a member of the county executive of a participating county has designated another individual under section 9(a)(1) of this chapter to perform the member's duties on the commission, the individual designated to perform the member's duties may vote under subsection (b)(2) on the proposal described in subsection (a).

(e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and adopt substantively identical ordinances under subsection (b)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (b)(2), and the natural resources commission approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (b)(1)(B), the following apply:

(1) The commission shall notify the natural resources commission and the department of the approval of the proposal.

(2) The officers of the commission elected under section 10 of this chapter shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5.

(3) The board of the watershed development commission consists of the following:

(A) The director of the department or the director's designee.

(B) The county surveyor of each county participating in the commission.

(C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.

(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the upper Wabash River basin; or

(ii) if a participating county does not include a second class city that is located within the upper Wabash River basin, one

(1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class



city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

(4) The director of the department or the director's designee:

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in ~~IC 14-30.5-4-1(a)(1)~~. **IC 14-30.5-4-1(a)(1)(A).**

(5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:

(A) the Upper Wabash River basin commission ceases to exist as a separate municipal corporation under this chapter;

(B) the Upper Wabash watershed development commission is established as a public body corporate and politic under IC 14-30.5;

(C) the participating counties of the Upper Wabash River basin commission become member counties of the Upper Wabash watershed development commission under IC 14-30.5; and

(D) each participating county of the Upper Wabash River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the Upper Wabash watershed development commission.

(f) If established under this section, the Upper Wabash watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;



1 the former Upper Wabash River basin commission.

2 (g) If established under this section, the Upper Wabash watershed
3 development commission has all of the powers and duties of a
4 watershed development commission under IC 14-30.5 in the areas of
5 the watershed of the Wabash River and the tributaries of the Wabash
6 River that are within the boundaries of the member counties of the
7 Upper Wabash watershed development commission. For the purposes
8 of IC 14-30.5, the areas of the watershed of the Wabash River and the
9 tributaries of the Wabash River that are within the boundaries of the
10 member counties of the Upper Wabash watershed development
11 commission comprise the designated watershed of the Upper Wabash
12 watershed development commission.

13 (h) If the Upper Wabash watershed development commission is
14 established under this section, the board of the Upper Wabash
15 watershed development commission shall appoint an executive director
16 under IC 14-30.5-4-2(e). An individual who was executive director of
17 the Upper Wabash River basin commission may be appointed
18 executive director of the Upper Wabash watershed development
19 commission under this subsection.

20 (i) If the Upper Wabash watershed development commission is
21 established under this section, all property, records, and funds of the
22 former Upper Wabash River basin commission:

23 (1) become property, records, and funds of the Upper Wabash
24 watershed development commission; and

25 (2) shall be transmitted to the Upper Wabash watershed
26 development commission not more than sixty (60) days after the
27 appointment of the executive director under subsection (h).

28 SECTION 4. IC 14-30.5-1-11, AS ADDED BY P.L.251-2023,
29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2025]: Sec. 11. A reference in this article to "water
31 infrastructure" or "water infrastructure purposes" excludes any drinking
32 water **or sanitary sewer** project in a county, city, or town that is
33 located inside or outside of a commission's designated watershed,
34 unless the context clearly requires otherwise.

35 SECTION 5. IC 14-30.5-2-1, AS ADDED BY P.L.251-2023,
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2025]: Sec. 1. (a) The executive of a county may adopt an
38 ordinance designating the county as a member of a proposed watershed
39 development commission if **at least ten percent (10%) any portion** of
40 the surface of the designated watershed, as identified in the ordinance
41 under subsection (b)(1), lies within the boundaries of the county.

42 (b) An ordinance adopted under this section must do the following:



(1) Identify the designated watershed within which the proposed commission would exercise its powers by:

(A) identifying the surface water outlet of the designated watershed; and

(B) setting forth the geographic boundaries of the entire area, both inside and outside the county, from which water drains into the surface water outlet.

(2) Specify the area or areas of the county that are inside the geographic boundaries of the designated watershed, as identified under subdivision (1).

(3) Set forth the flood damage reduction, drainage, storm water management, ~~recreation~~, or **soil and water conservation infrastructure** purposes for which the proposed commission would be established.

(4) State the flood damage reduction, drainage, storm water management, ~~recreation~~, or **soil and water conservation infrastructure** needs of the county that would be addressed through the county's membership in the proposed commission.

(c) A county executive that adopts an ordinance under this section designating a county as a member of a proposed watershed development commission must submit to the natural resources commission:

(1) a copy of the ordinance; and

(2) a written request for the natural resources commission's recognition of the proposed commission under section 2 of this chapter.

SECTION 6. IC 14-30.5-2-2, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) If one (1) county executive submits an ordinance and a written request for recognition of a proposed watershed development commission under section 1(c) of this chapter, the natural resources commission shall decide under subsections (c) through (e) whether to recognize the proposed commission.

(b) If the county executives of two (2) or more counties submit ordinances and written requests under section 1(c) of this chapter for recognition of a single proposed watershed development commission empowered to act in a single designated watershed that includes areas within both or all of the counties:

(1) the natural resources commission may not decide whether to recognize the proposed commission unless the provisions of the ordinances submitted under section 1(c)(1) of this chapter are essentially identical in:



- 1 (A) identifying the designated watershed; and
- 2 (B) stating the purposes of the proposed commission; and
- 3 (2) if the natural resources commission determines that the
- 4 requirement set forth in subdivision (1) is met, the natural
- 5 resources commission shall decide under subsections (c) through
- 6 (e) whether to recognize the proposed commission.
- 7 (c) Before making a decision whether to recognize a proposed
- 8 commission under this section, the natural resources commission shall
- 9 hold at least one (1) public hearing concerning the proposed
- 10 commission in each county whose executive submitted an ordinance
- 11 and a written request for recognition of the proposed commission under
- 12 section 1(c) of this chapter. Any interested person attending a public
- 13 hearing held under this subsection shall have the right to:
- 14 (1) address the natural resources commission; and
- 15 (2) provide written comments;
- 16 on whether the proposed commission should be established. An officer
- 17 or employee of the division of hearings of the natural resources
- 18 commission may, on behalf of the natural resources commission,
- 19 convene the meeting, record the testimony given, and receive the
- 20 written comments provided.
- 21 (d) The natural resources commission shall give notice of a public
- 22 hearing to be held under subsection (c):
- 23 (1) by publication at least one (1) time in one (1) newspaper of
- 24 general circulation in the county in which the hearing will be
- 25 held; and
- 26 (2) through the website of the natural resources commission.
- 27 (e) In deciding whether to recognize a proposed commission, the
- 28 natural resources commission shall determine the answer to each of the
- 29 following questions:
- 30 (1) Are the purposes for which the proposed commission would
- 31 be established, as set forth in the ordinance or ordinances under
- 32 section 1(b)(3) of this chapter, within the purposes set forth in
- 33 IC 14-30.5-3-1 for which a watershed development commission
- 34 may be established?
- 35 (2) Do the purposes of the proposed commission, as set forth in
- 36 the ordinance or ordinances under section 1(b)(3) of this chapter,
- 37 correspond to legitimate flood damage reduction, drainage, storm
- 38 water management, ~~recreation~~, or **soil and water conservation**
- 39 ~~infrastructure~~ needs of each county seeking establishment of the
- 40 commission, as set forth under section 1(b)(4) of this chapter?
- 41 (3) Is it reasonable to expect that the establishment of a
- 42 commission having powers under this article only in the county



or counties from which the ordinance or ordinances were submitted under section 1(c)(1) of this chapter would effectively address the flood damage reduction, drainage, storm water management, ~~recreation~~, or **soil and water conservation infrastructure** needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?

(4) Is it reasonable to expect that the establishment of a commission that has powers under this article only in the area or areas inside the geographic boundaries of the designated watershed would effectively address the flood damage reduction, drainage, storm water management, ~~recreation~~, or **soil and water conservation infrastructure** needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?

(5) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(6) Has a regional watershed study or watershed management plan been conducted in consultation with the Indiana finance authority ~~and or~~ the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, ~~recreational uses~~, natural resources, and **soil and water conservation infrastructure** needs of the watershed of the proposed commission? If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

(f) If:

(1) one (1) county's executive submits an ordinance and a request for recognition of a proposed commission under section 1(c) of this chapter; and

(2) the natural resources commission answers all of the questions set forth in subsection (e) favorably;

the natural resources commission shall issue an order recognizing the watershed development commission and recognizing the county referred to in subdivision (1) as a member of the watershed development commission.

(g) If:

(1) executives of two (2) or more counties submit ordinances and requests for recognition of a proposed watershed development commission under section 1(c) of this chapter; and

(2) the natural resources commission answers all of the questions set forth in subsection (e) favorably with respect to at least one (1)



1 of the counties;
 2 the natural resources commission shall issue an order recognizing the
 3 watershed development commission and recognizing as a member of
 4 the watershed development commission each county with respect to
 5 which the natural resources commission answered all of the questions
 6 set forth in subsection (e) favorably.

7 (h) If the natural resources commission does not answer all of the
 8 questions set forth in subsection (e) favorably with respect to a county,
 9 the natural resources commission shall:

- 10 (1) inform the executive of the county in writing of its decision;
- 11 and
- 12 (2) specify in the writing the reason or reasons for each
- 13 unfavorable answer.

14 (i) The action of the natural resources commission under this section
 15 in declining to recognize a proposed watershed development
 16 commission for a particular watershed does not preclude the later
 17 submission of one (1) or more new ordinances and written requests for
 18 recognition of a proposed watershed development commission for the
 19 same designated watershed.

20 (j) An action of the natural resources commission under this section
 21 declining to recognize a particular county as a member of a watershed
 22 development commission does not preclude the later submission of:

- 23 (1) another ordinance and written request under section 1(c) of
- 24 this chapter for recognition of the county as a member of another
- 25 proposed watershed development commission; or
- 26 (2) an ordinance and written request under section 4 ~~or 5~~ of this
- 27 chapter proposing the county for membership in an established
- 28 watershed development commission.

29 SECTION 7. IC 14-30.5-2-4, AS ADDED BY P.L.251-2023,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2025]: Sec. 4. (a) The executive of a county may adopt an
 32 ordinance proposing the county for membership in an established
 33 watershed development commission if ~~at least ten percent (10%) any~~
 34 **portion** of the surface of the commission's designated watershed lies
 35 within the boundaries of the county.

36 (b) An ordinance adopted under this section must do the following:

- 37 (1) Identify the existing commission in which the county seeks
- 38 membership.
- 39 (2) Specify the area or areas of the county that are within the
- 40 designated watershed of the existing commission.
- 41 (3) State the flood damage reduction, drainage, storm water
- 42 management, ~~recreation~~, or **soil and water conservation**



1 infrastructure needs of the county that would be addressed
2 through the county's membership in the existing commission.

3 (c) A county executive that adopts an ordinance under this section
4 proposing the county for membership in an existing commission must
5 submit to the natural resources commission:

6 (1) a copy of the ordinance; and

7 (2) a written request for the natural resources commission's
8 recognition of the county as a member of the existing
9 commission.

10 SECTION 8. IC 14-30.5-2-5 IS REPEALED [EFFECTIVE JULY
11 1, 2025]. Sec. 5: (a) The executive of a county may adopt an ordinance
12 proposing the county for membership in an established watershed
13 development commission even if less than ten percent (10%) of the
14 surface of the designated watershed of the commission lies within the
15 boundaries of the county:

16 (b) An ordinance adopted under this section must do the following:

17 (1) Identify the existing commission in which the county seeks
18 membership:

19 (2) Specify the area or areas of the county that are within the
20 designated watershed of the existing commission:

21 (3) State the flood damage reduction; drainage; storm water
22 management; recreation; or water infrastructure needs of the
23 county that would be addressed through the county's membership
24 in the existing commission:

25 (c) A county executive that adopts an ordinance under this section
26 proposing the county for membership in an existing watershed
27 development commission must submit to the natural resources
28 commission:

29 (1) a copy of the ordinance; and

30 (2) a written request for the natural resources commission's
31 recognition of the county as a member of the existing
32 commission:

33 (d) If a county to which this section applies becomes a member of
34 an existing commission, the county is subject to section 7(c) of this
35 chapter:

36 SECTION 9. IC 14-30.5-2-6, AS ADDED BY P.L.251-2023,
37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2025]: Sec. 6. (a) A county to which section 4 or 5 of this
39 chapter applies may not become a member of an existing watershed
40 development commission unless:

41 (1) the executives of all of the counties that are members of the
42 existing commission adopt ordinances accepting the county as a



1 member county of the existing commission; and

2 (2) the natural resources commission issues an order under this
3 section recognizing the county as a member county of the existing
4 commission.

5 (b) Before making a decision whether to recognize a county as a
6 member county of an existing commission under this section, the
7 natural resources commission shall hold at least one (1) public hearing
8 in the county concerning the proposed membership of the county in the
9 existing commission. Any interested person attending a public hearing
10 held under this subsection shall have the right to:

11 (1) address the natural resources commission; and

12 (2) provide written comments;

13 concerning the proposed membership of the county in the existing
14 commission. An officer or employee of the division of hearings of the
15 natural resources commission may, on behalf of the natural resources
16 commission, convene the meeting, record the testimony given, and
17 receive the written comments provided.

18 (c) The natural resources commission shall give notice of a public
19 hearing to be held under subsection (b):

20 (1) by publication at least one (1) time in one (1) newspaper of
21 general circulation in the county in which the hearing will be
22 held; and

23 (2) through the website of the natural resources commission.

24 (d) In deciding whether to recognize a county to which section 4 ~~or~~
25 5 of this chapter applies as a member of an existing commission, the
26 natural resources commission shall determine the answer to each of the
27 following questions:

28 (1) Do the stated purposes for which the watershed development
29 commission was established correspond to the flood damage
30 reduction, drainage, storm water management, ~~recreation~~, or **soil**
31 **and water conservation infrastructure** needs of the county, as
32 stated under section 4(b)(3) ~~or 5(b)(3)~~ of this chapter?

33 (2) Is it reasonable to expect that the county's flood damage
34 reduction, drainage, storm water management, ~~recreation~~, or **soil**
35 **and water conservation infrastructure** needs, as stated under
36 section 4(b)(3) ~~or 5(b)(3)~~ of this chapter, would be addressed
37 more effectively if the county were a member of the existing
38 commission than those needs have previously been addressed?

39 (3) Would the county's membership in the existing commission
40 diminish the effectiveness of the existing watershed development
41 commission in addressing the flood damage reduction, drainage,
42 storm water management, ~~recreation~~, or **soil and water**



conservation infrastructure needs of other member counties?

(4) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(5) Has a regional watershed study or watershed management plan been conducted in consultation with Indiana finance authority ~~and or~~ the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, ~~recreational uses~~, natural resources, and **soil and water conservation infrastructure** needs of the watershed of the proposed commission? If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

(e) If the natural resources commission answers all of the questions set forth in subsection (d) favorably, the natural resources commission shall issue an order recognizing the membership of the county in the existing commission.

(f) If the natural resources commission does not answer all of the questions set forth in subsection (d) favorably, the natural resources commission shall inform the executive of the county to which section 4 ~~or~~ 5 of this chapter applies in writing of its decision and specify in the writing the reason or reasons for each unfavorable answer.

(g) An action of the natural resources commission under this section declining to recognize a county as a member of an established watershed development commission does not preclude the later submission of another ordinance under section 4 ~~or~~ 5 of this chapter seeking membership for the county in an existing commission.

SECTION 10. IC 14-30.5-2-7, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) If:

(1) the executives of all of the counties that are members of an existing watershed development commission adopt ordinances under section 6(a)(1) of this chapter accepting a county to which section 4 ~~or~~ 5 of this chapter applies as a member county of the existing commission; and

(2) the natural resources commission recognizes the county as a member of the watershed development commission under section 6(e) of this chapter;

the county becomes a member of the existing commission upon the satisfaction of subdivision (1) or (2), whichever is satisfied later.

(b) If a county to which section 4 of this chapter applies becomes a



member of an existing commission under this section, the county is entitled to representation on the board of the existing commission under IC 14-30.5-4-1.

(c) If a county to which section 5 of this chapter applies becomes a member of an existing commission under this section, the county is not entitled to representation on the board of the existing commission under IC 14-30.5-4-1 unless:

(1) the natural resources commission, in the order issued under section 6(c) of this chapter recognizing the county as a member of the existing watershed development commission, recommends that the county be granted representation on the board of the existing commission; and

(2) the executives of all of the counties that are members of the existing commission adopt ordinances granting the county representation on the board of the commission.

SECTION 11. IC 14-30.5-3-1, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) The flood damage reduction, drainage, storm water management, ~~recreation~~, and **soil and water conservation infrastructure** purposes for which a watershed development commission may be established include the following:

(1) Planning, taking, and promoting action to prevent or mitigate flooding through generally accepted structural and nonstructural means, including the following:

(A) Bank stabilization.

(B) Expansion of water storage capacity.

(C) Erosion control.

(D) Sediment reduction.

(E) Logjam management.

(F) Selective construction, maintenance, and removal of berms.

(G) ~~Construction of levees.~~ **Nutrient management.**

(H) ~~Bridge and structure removal and replacement.~~ **Water quality monitoring.**

(2) Taking and promoting action to enhance drainage in ways consistent with storm water management requirements.

(3) Taking and promoting action to address **soil and water conservation infrastructure** needs related to flood damage reduction, storm water management, ~~recreation~~, and drainage.

(4) Setting voluntary water quality goals.

(5) Taking and promoting action to address the impounding of increased water runoff resulting from new construction.



(b) Subject to subsection (c), the purposes for which a watershed development commission may be established, in addition to those set forth in subsection (a), may include one (1) or more purposes related to water quality within the boundaries of the designated watershed, such as:

- (1) reducing the runoff of nutrients and soil into streams and bodies of water by promoting the use of improved ditch design and the reestablishment of strategically located wetlands; and
- (2) reducing ground water contamination by promoting the use of improved septic system technology.

However, a water quality purpose, goal, or project does not convey water quality regulatory authority to a watershed development commission.

(c) A watershed development commission may not have a purpose described in subsection (b) unless:

- (1) the board of the commission, in addition to developing a flood damage reduction and drainage plan under section 4 of this chapter, develops a water quality improvement plan that:

- (A) describes water quality problems within the boundaries of the designated watershed; and

- (B) proposes one (1) or more actions that the watershed development commission could take to address those problems;

- (2) the board of the watershed development commission submits the water quality improvement plan to the natural resources commission; and

- (3) the natural resources commission, after:

- (A) determining whether the water quality problems described in the water quality improvement plan truly exist within the boundaries of the watershed development commission's designated watershed; and

- (B) considering whether it is likely that the efforts of the watershed development commission would be a practically effective and cost effective means of addressing the water quality problems;

approves the commission's water quality improvement plan.

SECTION 12. IC 14-30.5-3-2, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. A watershed development commission is granted powers by this chapter for the benefit of the people of Indiana and for ~~the increase of their commerce;~~ **protecting their** health, ~~enjoyment, and prosperity.~~ **safety, and welfare.** The operation,



1 creation, development, and maintenance of the projects by a watershed
 2 development commission constitute the performance of essential
 3 governmental functions.

4 SECTION 13. IC 14-30.5-3-4, AS ADDED BY P.L.251-2023,
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2025]: Sec. 4. (a) The board of a watershed development
 7 commission shall develop a plan for flood damage reduction and
 8 drainage within the commission's designated watershed.

9 (b) A watershed development commission:

10 (1) subject to subsection (f), has ~~exclusive~~ authority to perform
 11 drainage, **storm water management**, and flood damage
 12 reduction, **and soil and water conservation** activities within the
 13 **designated watershed; channel of:**

14 (A) the river that is the surface water outlet of the
 15 commission's designated watershed; or

16 (B) each river that flows directly into the surface water outlet;
 17 if the surface water outlet of the commission's designated
 18 watershed is a lake or impoundment;

19 and within the area extending seventy-five (75) feet from the top
 20 of each bank of the river;

21 (2) may participate in the flood control program established under
 22 IC 5-1.2-13; and

23 (3) may acquire interests in land, including easements, for the
 24 commission's use in:

25 (A) providing flood storage; and

26 (B) the construction of ~~levees~~ **low profile berms** and other
 27 flood damage reduction improvements.

28 (c) The drainage, ~~and storm water management~~, flood damage
 29 reduction, **and soil and water conservation** activities that a watershed
 30 development commission has ~~exclusive~~ authority to perform under
 31 subsection (b)(1) include the following:

32 (1) Bank stabilization.

33 (2) Tree removal.

34 (3) Construction and operation of ~~sand~~ **sediment** traps.

35 (4) Channel reconstruction.

36 (5) Sediment removal.

37 (6) **Two-stage ditch construction.**

38 (7) **Installation of best management practices (as described in**
 39 **the local National Resources Conservation Service Field**
 40 **Office Technical Guide as of July 1, 2025, and any**
 41 **amendments thereto), including:**

42 (A) **blind tile inlets;**



- (B) cover crops;**
- (C) grass buffer or filter strips;**
- (D) regional detention ponds;**
- (E) tile inlet buffers;**
- (F) nutrient management;**
- (G) edge of field bioreactors;**
- (H) riparian buffers; and**
- (I) wetland restoration.**

~~(8)~~ **(8)** The acquisition, construction, and maintenance of access roads to levees and the channel of a river to which subsection (b)(1) applies.

~~(7)~~ **(9)** Other actions that the board of the watershed development commission reasonably considers necessary to carry out this chapter.

(d) Subject to subsection (f), a county must obtain the authorization of the board of the watershed development commission before performing any:

- (1) construction work; or
- (2) drainage or flood damage reduction activities;

within the area described in subsection (b)(1) unless the work must be performed in response to an emergency.

(e) Subsection (f) applies if a governmental entity other than the watershed development commission has authority:

- (1) to perform one (1) or more activities set forth in subsection (c) within any part of the watershed development commission's designated watershed; and
- (2) to collect a tax or an assessment or to impose another duty of financial contribution upon the owners of property located in any part of the watershed development commission's designated watershed.

(f) The board of a watershed development commission may enter into an interlocal cooperation agreement under IC 36-1-7 with a governmental entity described in subsection (e):

- (1) under which:
 - (A) the watershed development commission will perform, and the other governmental entity will relinquish its authority to perform, the activity or activities set forth in subsection (c) within the watershed development commission's designated watershed; and
 - (B) the governmental entity will cease collecting the tax or assessment or imposing the other duty of financial contribution described in subsection (e)(2) for performing the activity or



- activities set forth in subsection (c) within the watershed development commission's designated watershed; or
- (2) under which:
- (A) the governmental entity will continue to perform, and the watershed development commission will relinquish its authority to perform, the activity or activities set forth in subsection (c) within the part of the watershed development commission's designated watershed in which the governmental entity performs those activities;
 - (B) the governmental entity will continue collecting the tax or assessment or imposing the other duty of financial contribution described in subsection (e)(2) in the part of the watershed development commission's designated watershed in which the governmental entity performs the activity or activities set forth in subsection (c); and
 - (C) the watershed development commission will:
 - (i) relinquish its authority to receive; or
 - (ii) appropriately reduce;
 the annual special assessments or support by optional methods to which the watershed development commission is otherwise entitled under IC 14-30.5-5 with respect to taxable parcels of real property located in the part of the watershed development commission's designated watershed in which the governmental entity performs the activity or activities set forth in subsection (c).

SECTION 14. IC 14-30.5-3-7, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) A watershed development commission may:

- (1) acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise; ~~and~~
- (2) hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property or any interest in that property;
- (3) acquire by grant, gift, purchase, or devise an improvement within a five hundred (500) year flood plain, also known as a two-tenths of one percent (0.2%) annual chance of occurrence flood plain, in the commission's designated watershed for the purpose of removal of those improvements; and**
- (4) adopt rules under IC 4-22-2 that restrict construction within a one hundred (100) year flood plain, also known as a one percent (1%) annual chance of occurrence flood plain, in the commission's designated watershed;**



for the purposes set forth in this chapter.

(b) A watershed development commission may exercise the powers granted by this section ~~for the development of the water resources of the commission's designated watershed.~~ as follows:

(1) For the development of the water resources of the commission's designated watershed.

(2) For the purposes of IC 32-23-5.

(3) To contribute to the following:

(A) Flood control or mitigation.

(B) Flood damage reduction.

(C) Water quality.

(D) Soil conservation.

SECTION 15. IC 14-30.5-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 10. (a) A watershed development commission, the board of the commission, an employee of the commission, or authorized representatives of the commission acting under this chapter may:**

(1) enter land lying within a five hundred (500) year flood plain, also known as a two-tenths of one percent (0.2%) annual chance of occurrence flood plain, in the commission's designated watershed; and

(2) enter other land to gain access to the land described in subdivision (1);

to investigate, examine, and survey the land or investigate suspected violations of the Indiana flood control laws.

(b) Before exercising any of the powers conferred in subsection (a), the commission must give twenty-one (21) days oral or written notice:

(1) to:

(A) an affected landowner;

(B) a contract purchaser; or

(C) if the land is owned by a municipality, the executive of the municipality; and

(2) that states:

(A) the purpose of the entry; and

(B) that there is a right of appeal under this section.

(c) A person described in subsection (b)(1) may, within the twenty-one (21) day notice period under subsection (b), appeal to the commission the proposed necessity for entry. If an appeal is made, the commission shall hold a hearing on the necessity for right of entry before the right of entry is exercised.



1 (d) A person acting under subsection (a) must use due care to
2 avoid damage to crops, fences, buildings, or other structures.

3 (e) A person listed in subsection (a) acting under this chapter
4 does not commit criminal trespass under IC 35-43-2-2.

5 SECTION 16. IC 14-30.5-4-1, AS ADDED BY P.L.251-2023,
6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2025]: Sec. 1. (a) The board of a watershed development
8 commission consists of the following individuals:

9 (1) If the designated watershed includes the upper Wabash
10 River basin or the St. Joseph River basin the following
11 individuals:

12 (A) The director of the department or the director's
13 designee.

14 (B) The county surveyor of each county participating in
15 the commission.

16 (C) An individual other than the county surveyor
17 representing each county participating in the commission,
18 appointed by the county executive.

19 (D) Either:

20 (i) one (1) individual appointed to represent each second
21 class city that is located in a participating county and
22 within the basin; or

23 (ii) if a participating county does not include a second
24 class city that is located within the basin, one (1)
25 individual appointed to represent the municipality that
26 has the largest population of all municipalities that are
27 located in the participating county and within the basin.

28 An individual appointed to represent a second class city
29 under item (i) shall be appointed by the board of storm
30 water management (as described in IC 8-1.5-5-4) of the
31 second class city or, if the second class city has no board of
32 storm water management, by the executive of the second
33 class city. An individual appointed under item (ii) to
34 represent the municipality that has the largest population
35 of all municipalities that are located in the participating
36 county and within basin shall be appointed by the board of
37 storm water management (as described in IC 8-1.5-5-4) of
38 the municipality or, if the municipality has no board of
39 storm water management, by the executive of the
40 municipality.

41 (2) If the designated watershed does not include a basin
42 described in subdivision (1) the following individuals:



- 1 (1) (A) The director of the department or the director's
- 2 designee.
- 3 (2) (B) The county surveyor of each county that:
- 4 (A) (i) is a member of the commission; and
- 5 (B) (ii) is entitled to membership on the board.
- 6 (3) ~~An individual other than the county surveyor representing~~
- 7 (C) **A member of the county executive from** each county
- 8 that
- 9 (A) is a member of the commission and
- 10 (B) is entitled to membership on the board **or the member's**
- 11 **designee.**
- 12 appointed by the county executive.
- 13 (4) Either:
- 14 (A) one (1) individual appointed to represent each second
- 15 class city that is located in a participating county and within
- 16 the designated watershed of the watershed development
- 17 commission; or
- 18 (B) if a participating county does not include a second class
- 19 city that is located within the designated watershed of the
- 20 watershed development commission, one (1) individual
- 21 appointed to represent the municipality that has the largest
- 22 population of all municipalities that are located in the
- 23 participating county and within the designated watershed of
- 24 the watershed development commission.
- 25 An individual appointed to represent a second class city under
- 26 clause (A) shall be appointed by the board of storm water
- 27 management (as described in IC 8-1.5-5-4) of the second class
- 28 city or, if the second class city has no board of storm water
- 29 management, by the executive of the second class city. An
- 30 individual appointed under clause (B) to represent the
- 31 municipality that has the largest population of all municipalities
- 32 that are located in the participating county and within the
- 33 designated watershed of the watershed development commission
- 34 shall be appointed by the board of storm water management (as
- 35 described in IC 8-1.5-5-4) of the municipality or, if the
- 36 municipality has no board of storm water management, by the
- 37 executive of the municipality.
- 38 (D) If the designated watershed includes the Maumee
- 39 River basin:
- 40 (i) one (1) individual appointed to represent each second
- 41 class city that is located in a participating county and
- 42 within the basin; and



(ii) a member of the county soil and water conservation district board from each participating county within the basin or the member's designee.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city.

All of the members of the board of a commission to which this subsection applies are voting members.

(b) The executive of a county described in subsection ~~(a)(3)~~ **(a)(1)(C)** shall appoint the individual to represent the county on the board of the commission under subsection ~~(a)(3)~~ **(a)(1)(C)**. However, if the position of an individual appointed under subsection ~~(a)(3)~~ **(a)(1)(C)** becomes vacant, the county surveyor of the county shall represent the county on the board under subsection ~~(a)(3)~~ **(a)(1)(C)** until a new appointment is made by the county executive under subsection ~~(a)(3)~~ **(a)(1)(C)**. **The executive of a county described in subsection (a)(2)(C) may appoint an individual as a designee to represent the county on the board of the commission under subsection (a)(2)(C). However, if the position of an individual appointed under subsection (a)(2)(C) becomes vacant, the county surveyor of the county shall represent the county on the board under subsection (a)(2)(C) until a new appointment is made by the county executive under subsection (a)(2)(C).**

(c) An individual appointed **or designated** to represent a county on the board of a watershed development commission under subsection ~~(a)(3)~~ **(a)(1)(C) or (a)(2)(C):**

(1) must have a background in construction, project management, flood damage reduction, drainage, or a similar professional background; and

(2) must reside in the county.

(d) The term of office of an individual appointed **or designated** under subsection ~~(a)(3)~~ **(a)(1)(C) or (a)(2)(C):**

(1) is four (4) years; and

(2) continues until the individual's successor is appointed.

(e) An individual appointed under subsection ~~(a)(2)~~ **(a)(1)(B) or (a)(2)(B)** is eligible for reappointment.

SECTION 17. IC 14-30.5-4-2, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) The voting members of the board of a



1 watershed development commission shall elect the following officers:

- 2 (1) A chair.
- 3 (2) A vice chair.
- 4 (3) A secretary-treasurer.

5 (b) When one (1) or more additional counties that are entitled to
6 representation on the board of a watershed development commission
7 under IC 14-30.5-2-7(b) ~~or IC 14-30.5-2-7(e)~~ become members of the
8 commission, the offices referred to in subsection (a) become vacant
9 and the members of the board shall elect new officers under subsection
10 (a).

11 (c) The term of an individual elected to an office under subsection
12 (a) may not exceed one (1) year, but the individual is eligible for
13 reelection.

14 (d) An individual elected to an office under subsection (a) shall
15 perform the duties usually pertaining to the office.

16 (e) The board of a watershed development commission:

- 17 (1) shall appoint an executive director; and
- 18 (2) may establish and fill other offices the board considers
19 necessary.

20 SECTION 18. IC 14-30.5-5-6, AS ADDED BY P.L.251-2023,
21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2025]: Sec. 6. (a) A watershed development commission shall
23 deposit special assessments received under section 3 of this chapter
24 into a segregated account maintained by the commission. Except as
25 provided in subsection (b), special assessments deposited into the
26 account may not be transferred into other accounts belonging to the
27 commission. Money in the account may be used only for the following
28 purposes:

- 29 (1) To pay expenses directly related to the acquisition,
30 construction, or improvement of real property, a facility, a
31 betterment, or an improvement constituting part of a project of the
32 commission, including acquisition of the site for a project.
- 33 (2) To pay expenses directly related to the operation, repair, and
34 maintenance of flood protection systems within the commission's
35 designated watershed.
- 36 (3) To pay the annual installment and interest on a loan or other
37 financial assistance received by the commission under
38 IC 5-1.2-13.
- 39 (4) To pay:
 - 40 (A) the compensation of:
 - 41 (i) the executive director of the commission appointed under
42 IC 14-30.5-4-2(e)(1); and



- (ii) the individuals holding any other offices of the commission established under IC 14-30.5-4-2(e)(2); and
 (B) other administrative expenses of the commission.

(5) To pay for expenses directly related to the installation of best management practices (as described in the local National Resources Conservation Service Field Office Technical Guide as of July 1, 2025, and any amendments thereto) within the commission's designated watershed.

(6) To grant funds to another governmental entity for the purpose of installing best management practices (as described in the local National Resources Conservation Service Field Office Technical Guide as of July 1, 2025, and any amendments thereto) in the commission's designated watershed to reduce erosion and storm water runoff.

(7) To grant funds to a county drainage board for projects that provide flood damage reduction or water quality improvement benefits.

Money in the account may not be used for highway bridge repairs or reconstruction.

(b) A watershed development commission that has:

- (1) obtained easements from landowners; or
- (2) entered into contracts with landowners;

allowing the use of land for flood storage purposes shall establish an account for reimbursing the landowners for the use of their land for flood storage. The account consists of money transferred from the segregated account described in subsection (a). A commission may transfer into the account established under this subsection amounts that the board of the commission considers appropriate.

SECTION 19. IC 14-30.5-5-8, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8. (a) The board of a watershed development commission shall do the following:

(1) Prepare and adopt by majority vote an annual budget for the commission **which allocates money as follows:**

(A) Twenty-five percent (25%) of funds for flood mitigation.

(B) Twenty-five percent (25%) of funds for structural water quality best management practices (as described in the local National Resources Conservation Service Field Office Technical Guide as of July 1, 2025, and any amendments thereto).

(C) Twenty-five percent (25%) of funds for nonstructural



water quality best management practices (as described in the local National Resources Conservation Service Field Office Technical Guide as of July 1, 2025, and any amendments thereto).

(D) Five percent (5%) of funds for stream obstruction removal.

(E) Fifteen percent (15%) of funds for flood hazard mitigation.

(F) Five percent (5%) of funds for flood warning systems.

(2) Submit the budget to each county, municipality, or agency appropriating money for the use of the commission.

(b) After the board of a watershed development commission approves an annual budget, the commission may expend money only as budgeted unless a majority vote at least seventy-five percent (75%) of the board of the commission authorizes votes in favor of the expenditure. ~~other than according to the budget. Funds reallocated under this subsection can be deemed as a loan or a grant.~~

(c) Any appropriated amounts remaining unexpended or unencumbered at the end of a year become part of a nonreverting cumulative fund to be held in the name of the watershed development commission. The board of a commission may authorize unbudgeted expenditures from this fund by a majority vote of the board.

(d) A watershed development commission is responsible for the safekeeping and deposit of money it receives under this chapter. The state board of accounts shall:

(1) prescribe the methods and forms for keeping; and

(2) periodically audit;

the accounts, records, and books of each watershed development commission.

(e) The secretary-treasurer of the board of a watershed development commission may receive, disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

(2) Procedures established by the board of the commission.

SECTION 20. IC 14-30.5-6-2, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) Before undertaking a flood damage reduction, drainage, storm water management, recreation, or water infrastructure public works project (or, if a watershed development commission has water quality purposes under IC 14-30.5-3-1(b), a water quality public works project) that:

(1) may be subject to regulation under:



- 1 (A) IC 14-26-5; or
- 2 (B) IC 14-28-1; or
- 3 (2) may require an individual permit under Section 404 of the
- 4 federal Clean Water Act (33 U.S.C. 1344);
- 5 a watershed development commission shall request a review of the
- 6 project through a written notification to the department's division of
- 7 water (referred to as "the division" in this section). The notification
- 8 may include a request to schedule an onsite field review of the project.
- 9 (b) If an onsite field review is requested under subsection (a), the
- 10 division, not more than fourteen (14) days after receiving the request,
- 11 shall contact:
- 12 (1) the county surveyor of each county that is a member of the
- 13 watershed development commission; and
- 14 (2) the department of environmental management;
- 15 to establish a date, time, and location for the onsite field review.
- 16 (c) An onsite field review requested under subsection (a) shall be
- 17 conducted by a team consisting of:
- 18 (1) one (1) or more representatives of each county that is a
- 19 member of the watershed development commission;
- 20 (2) one (1) or more representatives of the department including an
- 21 engineer from the division;
- 22 (3) one (1) or more representatives of the department of
- 23 environmental management; and
- 24 (4) representatives of the soil and water conservation district of
- 25 each county in which the project will be conducted.
- 26 (d) Not more than thirty (30) calendar days after the completion of
- 27 an onsite field review under this section, the division shall provide to
- 28 the **watershed development commission and the** county surveyor of
- 29 each county that is a member of the watershed development
- 30 commission a written summary of the onsite field review. The summary
- 31 must contain the following:
- 32 (1) A narrative and map defining the project location.
- 33 (2) A description of the work proposed for the project.
- 34 (3) A statement of:
- 35 (A) the conditions that the department would place on a permit
- 36 for the project to mitigate any unreasonable or detrimental
- 37 effects that may occur as a result of the proposed work;
- 38 (B) the conditions that the department of environmental
- 39 management would place on a certification for the project
- 40 under Section 401 of the federal Clean Water Act (33 U.S.C.
- 41 1341), if it is possible to ensure compliance with Section 401
- 42 by placing conditions on the certification; or



- 1 (C) both sets of conditions described in clauses (A) and (B).

