

PROPOSED AMENDMENT

SB 224 # 8

DIGEST

River basin commissions. Establishes a consolidated chapter for river basin commission administration. Repeals existing, separate chapters for the Maumee River basin commission, the St. Joseph River basin commission, and the Upper Wabash River basin commission. Creates a new chapter for a river basin commission's conversion into a watershed development commission. Makes technical and conforming changes.

1 Page 1, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 3. IC 14-8-2-20, AS AMENDED BY P.L.99-2025,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 20. "Basin" has the following meaning:
5 (1) For purposes of IC 14-13-9, the meaning set forth in
6 IC 14-13-9-1.
7 (2) For purposes of IC 14-25-1, the meaning set forth in section
8 1.2 of IC 14-25-15-1.
9 (3) For purposes of IC 14-25-17, the meaning set forth in
10 IC 14-25-17-3.
11 (4) For purposes of IC 14-30-2, the meaning set forth in
12 IC 14-30-2-1.
13 (5) For purposes of IC 14-30-3, the meaning set forth in
14 IC 14-30-3-1.
15 (6) For purposes of IC 14-30-4, the meaning set forth in
16 IC 14-30-4-1.
17 SECTION 4. IC 14-8-2-48, AS AMENDED BY P.L.251-2023,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 48. (a) "Commission", except as provided in this
20 section, refers to the natural resources commission.
21 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
22 forth in IC 14-13-1-1.
23 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
24 forth in IC 14-13-2-2.
25 (d) "Commission", for purposes of IC 14-13-4, has the meaning set
26 forth in IC 14-13-4-1.

3 (f) "Commission", for purposes of IC 14-13-6, has the meaning set
4 forth in IC 14-13-6-2.

5 (g) "Commission", for purposes of IC 14-13-9, has the meaning set
6 forth in IC 14-13-9-2.

7 (h) "Commission", for purposes of IC 14-20-11, has the meaning set
8 forth in IC 14-20-11-1.

11 (j) "Commission", for purposes of ~~IC 14-30-2~~, **IC 14-30-6**, has the
12 meaning set forth in ~~IC 14-30-2-2~~, **IC 14-30-6-1**.

13 (k) "Commission", for purposes of ~~IC 14-30-3~~, **IC 14-30-7-1**, has
14 the meaning set forth in ~~IC 14-30-3-2~~, **IC 14-30-7-1**.

15 (l) "Commission", for purposes of ~~IC 14-30-4~~, **IC 14-30-7-2**, has the
16 meaning set forth in ~~IC 14-30-4~~ **2. IC 14-30-7-2**.

17 (m) "Commission", for purposes of IC 14-30-7-3, has the
18 meaning set forth in IC 14-30-7-3.

19 **(m)(n)** "Commission", for purposes of IC 14-30.5, has the meaning
20 set forth in IC 14-30.5-1-2.

21 (m)(o) "Commission", for purposes of IC 14-33-20, has the meaning
22 set forth in IC 14-33-20-2. ".

23 Page 1, between lines 6 and 7, begin a new paragraph and insert:
24 "SECTION 5. IC 14-8-2-86.2, AS ADDED BY P.L.251-2023,
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 86.2. "Executive", for purposes of ~~IC 14-30-3-33~~
27 and IC 14-30.5, has the meaning set forth in IC 14-30.5-1-4.".

28 Page 3, between lines 16 and 17, begin a new paragraph and insert:

29 "SECTION 7. IC 14-8-2-159 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 159. "Maumee River
31 basin", for purposes of ~~IC 14-30-2, IC 14-30-6 and IC 14-30-7~~, has the
32 meaning set forth in ~~IC 14-30-2-3, IC 14-30-7-1~~."

33 Page 3, between lines 19 and 20, begin a new paragraph and insert:

34 "SECTION 9. IC 14-8-2-198 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 198. "Participating
36 county" has the following meaning:

37 (1) For purposes of ~~IC 14-30-2~~, **IC 14-30-6**, the meaning set forth
38 in ~~IC 14-30-2.4~~, **IC 14-30-6-1**.

39 (2) For purposes of ~~IC 14-30-3~~, **IC 14-30-7-1**, the meaning set

1 forth in ~~IC 14-30-3-3~~. **IC 14-30-7-1**.

2 (3) For purposes of ~~IC 14-30-4~~, **IC 14-30-7-2**, the meaning set
3 forth in ~~IC 14-30-4-3~~. **IC 14-30-7-2**.

4 **(4) For purposes of IC 14-30-7-3, the meaning set forth in
5 IC 14-30-7-3.**

6 SECTION 10. IC 14-8-2-206 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 206. "Plan", ~~has the~~
8 ~~following meaning:~~

9 (1) for purposes of IC 14-21-1, ~~has~~ the meaning set forth in
10 IC 14-21-1-8.

11 (2) ~~For purposes of IC 14-30-2, the meaning set forth in
12 IC 14-30-2-5.~~

13 (3) ~~For purposes of IC 14-30-4, the meaning set forth in
14 IC 14-30-4-4.~~

15 SECTION 11. IC 14-8-2-208, AS AMENDED BY P.L.138-2018,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 208. "Political subdivision" has the following
18 meaning:

19 (1) For purposes of IC 14-12-1, the meaning set forth in
20 IC 14-12-1-2.

21 (2) For purposes of IC 14-13-2, ~~and IC 14-30-3~~, the meaning set
22 forth in IC 36-1-2-13.

23 (3) For purposes of IC 14-32-8, the meaning set forth in
24 IC 14-32-8-2."

25 Page 3, between lines 26 and 27, begin a new paragraph and insert:
26 "SECTION 13. IC 14-8-2-263 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 263. "St. Joseph River
28 basin", for purposes of ~~IC 14-30-3~~, **IC 14-30-6 and IC 14-30-7**, has the
29 meaning set forth in ~~IC 14-30-3-4~~. **IC 14-30-7-2**.

30 SECTION 14. IC 14-8-2-291.5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 291.5. "Upper Wabash
32 River basin", for purposes of ~~IC 14-30-4~~, **IC 14-30-6 and IC 14-30-7**,
33 has the meaning set forth in ~~IC 14-30-4-5~~. **IC 14-30-7-3**".

34 Page 5, between lines 32 and 33, begin a new paragraph and insert:

35 "SECTION 22. IC 14-13-6-20, AS AMENDED BY P.L.118-2009,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 20. The commission may use the Wabash River
38 heritage corridor commission fund to pay:

39 (1) reimbursement of the expenses of members under section 13
40 of this chapter;

(2) other administrative costs and expenses reasonably incurred under this chapter, including expenses for publications and postage; and

(3) costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multicounty projects and marketing and educational tools such as video tape productions, signs, and promotional literature.

However, the commission may not use money in the fund for the upper Wabash River basin commission established by ~~IE 14-30-4-~~

IC 14-30-6.

SECTION 23. IC 14-13-6-23, AS ADDED BY P.L.69-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23. (a) The Wabash River heritage corridor fund is established for the purpose of:

(1) providing grants to aid the sustainable development of property under the Wabash River heritage corridor commission master plan and purposes of the commission; and

(2) paying costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multicounty projects.

However, the commission may not use money in the fund for the upper Wabash River basin commission established by ~~IE 14-30-4-6.~~

IC 14-30-6.

(b) The fund shall be administered by the director under the direction of the commission.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Funds deposited under IC 14-38-1-13

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(g) Money in the fund is annually appropriated to the department of

1 natural resources for its use in fulfilling the purposes of this section.".

2 Page 13, delete lines 1 through 6, begin a new paragraph and insert:

3 "SECTION 35. IC 14-30-2 IS REPEALED [EFFECTIVE JULY 1,
4 2026]. (Maumee River Basin Commission).

5 SECTION 36. IC 14-30-3 IS REPEALED [EFFECTIVE JULY 1,
6 2026]. (St. Joseph River Basin Commission).

7 SECTION 37. IC 14-30-4 IS REPEALED [EFFECTIVE JULY 1,
8 2026]. (Upper Wabash River Basin Commission).

9 SECTION 38. IC 14-30-6 IS ADDED TO THE INDIANA CODE
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]:

12 **Chapter 6. River Basin Commission Administration**

13 **Sec. 1. For purposes of this chapter, the following definitions
14 apply:**

15 (1) "Commission" refers to a river basin commission
16 established by section 2 of this chapter.

17 (2) "Participating county" refers to a county that:

18 (A) joins a commission under section 4 of this chapter; and
19 (B) has territory within the commission.

20 **Sec. 2. (a) The following river basin commissions are
21 established:**

22 (1) The Maumee River basin commission.

23 (2) The St. Joseph River basin commission.

24 (3) The Upper Wabash River basin commission.

25 (b) After consulting with the surveyor of each county in a river
26 basin, the director shall certify the boundaries of a commission
27 established by subsection (a). However, a river basin commission
28 established by subsection (a)(1), (a)(2), or (a)(3) is not required to
29 recertify the commission's boundaries under this subsection.

30 **Sec. 3. A commission established by this chapter:**

31 (1) is a separate municipal corporation; and

32 (2) may sue and be sued.

33 **Sec. 4. The executive of a county that includes territory in a
34 commission may do the following:**

35 (1) Elect to participate in the commission by designating the
36 county as a participating county.

37 (2) Revoke the designation described in subdivision (1).

38 **Sec. 5. (a) Except as provided in subsection (d), the following
39 shall serve as voting members of the commission:**

40 (1) A member of the county executive for a participating

county.

(2) The executive director or, if a county does not have an executive director, the chairman or manager of a soil and water conservation district that:

(A) is subject to IC 14-32;

(B) includes territory in a participating county; and

(C) includes territory in the basin.

(3) The county surveyor of each participating county.

(b) In addition to the members required under subsection (a), the required members of a commission may appoint the following voting members:

(1) Each member of the county executive for a participating county.

(2) The executive of each second class city within the territory of the commission.

(3) If a participating county does not have a second class city, the executive of the municipality with the largest population located within the territory of the basin.

(4) A participating county's health officer.

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

(A) is subject to IC 14-32;

(B) includes territory in a participating county; and

(C) includes territory in the basin.

(6) A representative of the department of natural resources. However, the representative may not be an employee or

selected official of a city, town, or county governmental unit

c) A representative described in subsection (b)

(1) is chosen by the entity being

(2) serves a three (3) year term;

(3) is eligible for reappointment; and

(4) continues until a successor is appointed.

(d) A commission that exists on or before June 30, 2026, retains the commission's existing voting members.

Sec. 6. (a) A member of the commission may:

(1) designate another individual to perform the duties of the member on the commission; and

(2) revoke the designation described in subdivision (1)

(b) A designation or a revocation of a designation under this section must be filed with the commission to be effective.

1 **Sec. 7. (a) A commission shall annually elect from among the**
2 **voting members the following officers:**

- 3 **(1) A chairperson.**
- 4 **(2) A vice chairperson.**
- 5 **(3) A secretary.**
- 6 **(4) A treasurer.**

7 **(b) The officers elected under subsection (a) shall perform the**
8 **duties specified in the commission's bylaws.**

9 **(c) A commission may establish other offices, including an**
10 **executive director, and determine the means for filling the offices.**
11 **Any salary or benefits provided to the individual must be paid by**
12 **the commission that establishes the office.**

13 **Sec. 8. (a) Either:**

- 14 **(1) the commission; or**
- 15 **(2) a participating county;**

16 **but not both, may pay its members reimbursement for traveling**
17 **expenses and other expenses actually incurred in connection with**
18 **the member's duties as provided in the state travel policies and**
19 **procedures established by the Indiana department of**
20 **administration and approved by the budget agency. Money paid**
21 **under subdivision (1) may only be paid from money available to**
22 **the commission at the time of reimbursement.**

23 **(b) A county may pay members of a commission the salary per**
24 **diem provided by IC 4-10-11-2.1(b) for the performance of the**
25 **member's duties on the commission.**

26 **Sec. 9. (a) A commission shall meet at least four (4) times each**
27 **calendar year.**

28 **(b) The following may call a meeting:**

- 29 **(1) The chairperson.**
- 30 **(2) The executive director.**
- 31 **(3) A quorum of the commission's members.**

32 **(c) A commission shall adopt bylaws specifying a quorum**
33 **requirement.**

34 **(d) A member may waive notice of any meeting by filing a**
35 **written waiver with the secretary of the commission.**

36 **Sec. 10. (a) A commission may do the following:**

- 37 **(1) Manage the commission's internal affairs.**
- 38 **(2) Employ staff.**
- 39 **(3) Subject to section 12 of this chapter, enter into contracts**
40 **for purposes of this chapter.**

(4) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 12 of this chapter.

(5) Provide a forum for the discussion, study, and evaluation of water resource issues of common concern in the river basin.

(6) Facilitate and foster cooperative planning and coordinated management of the basin's water and related land resources.

(7) Develop positions on major water resource issues and serve as an advocate of the basin's interests before Congress and federal, state, and local governmental agencies.

(8) Develop plans and tools to improve water quality or mitigate flooding in the basin.

(9) Publicize, advertise, and distribute reports on the commission's purposes, objectives, studies, and findings.

(10) When requested, make recommendations in matters related to the commission's functions and objectives to political subdivisions in the basin and to other public and private agencies.

(11) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(12) Invite government officials of other states within the river basin to:

(A) attend the commission's meetings; and

(B) advise the commission upon the commission's request.

(b) A commission may not exercise any of the powers described in subsection (a) within a nature preserve (as defined in IC 14-31-1).

(c) This section does not exempt the commission from any other statute.

Sec. 11. A commission shall do the following:

(1) Keep a record of the commission's resolutions, transactions, and findings. A record under this subdivision is a public record.

(2) Make an annual report of the commission's activities to the executive of each participating county. The commission shall upon request make an annual report to the following:

(A) The governor.

(B) Any member of the general assembly.

(3) Prepare and adopt an annual budget.

(4) Submit the budget described in subdivision (3) to the executive of each participating county and, upon request, make the budget available to each agency appropriating money to the commission.

Sec. 12. (a) A political subdivision in a participating county may under IC 36-1-7 enter into a cooperative agreement with a commission and at least one (1) other legal entity, including a legal entity in another state.

(b) If a commission intends to enter into a cooperative agreement under subsection (a), the commission shall post public notice of the proposed cooperative agreement at least ten (10) business days before the meeting at which the cooperative agreement is scheduled to be voted on by the commission.

(c) Before a commission may vote on the cooperative agreement under this section, the cooperative agreement must be approved by the department.

Sec. 13. A commission may adopt a resolution to do any one (1) or more of the following:

(1) Require that increased water runoff resulting from new construction be impounded on the construction site.

(2) Permit the requirement of onsite water impoundment under subdivision (1) to be waived upon payment of a reasonable fee by the developer of the new construction.

(3) Restrict construction within the one hundred (100) year flood plains of the river basin.

Sec. 14. (a) The commission may establish

sisting of the following:

- (1) The chairperson of the commission.
- (2) One (1) member from each participating county that is not represented by the chairperson, to be chosen in a manner prescribed by the commission's bylaws.

(b) The commission may delegate to the executive board the power to do the following:

(1) Recommend agenda items and activities to the commission

(2) Conduct hearings on proposed commission projects

(3) Perform other administrative duties assigned by the commission.

Sec. 15. (a) The commission may appoint an advisory committee

1 to assist the commission.

2 (b) A member of an advisory committee is not entitled to
3 compensation for serving on the advisory committee.

4 Sec. 16. The commission may adopt a bylaw to govern member
5 participation in:

6 (1) a commission's; or

7 (2) an executive board's;

8 meeting by electronic communication.

9 Sec. 17. (a) A commission may receive grants and
10 appropriations from the following:

11 (1) Federal, state, and local governments.

12 (2) Individuals, foundations, and other organizations.

13 However, a commission is not eligible for funding through the
14 Wabash River heritage corridor commission established by
15 IC 14-13-6-6.

16 (b) The commission may enter into an agreement or contract
17 regarding the acceptance or use of the grants and appropriations
18 described in subsection (a) for the purpose of carrying out the
19 commission's activities under this chapter.

20 Sec. 18. (a) A participating county may budget, appropriate, and
21 disburse money to carry out the purposes of the commission under
22 this chapter.

23 (b) The appropriation from the participating county that is
24 needed for all or part of the commission's budget must be either:

25 (1) apportioned among the participating counties in direct
26 relationship to the amount of land area in each participating
27 county certified under section 2 of this chapter; or

28 (2) divided equally among the participating counties.

29 (c) The appropriation that is needed under subsection (b) shall
30 be presented to the county executive at the same time that budgets
31 are presented by county officers.

32 Sec. 19. (a) The commission shall make expenditures only as
33 budgeted. However, the commission may revise the budget at any
34 time to authorize unbudgeted expenditures.

35 (b) Any appropriated amounts remaining unexpended or
36 unencumbered at the end of the fiscal year become part of a
37 nonreverting cumulative fund to be held in the name of the
38 commission. The commission may authorize unbudgeted
39 expenditures from this fund.

40 (c) The commission is responsible for the safekeeping and

1 **deposit of money the commission receives under this chapter. The**
2 **state board of accounts shall:**

3 **(1) prescribe the methods and forms for keeping; and**
4 **(2) periodically audit;**

5 **the accounts, records, and books of the commission.**

6 **(d) The treasurer of the commission may receive, disburse, and**
7 **handle money belonging to the commission, subject to the**
8 **following:**

9 **(1) Applicable statutes.**

10 **(2) Procedures established by the commission.**

11 **Sec. 20. (a) For the purposes of this chapter, the commission**
12 **may do the following:**

13 **(1) Acquire by grant, gift, purchase, or devise, and dispose of,**
14 **conservation easements under IC 32-23-5 in land:**

15 **(A) within; or**

16 **(B) adjacent to if part of the same parcel;**

17 **the one hundred (100) year flood plains and the wetlands in**
18 **the basin.**

19 **(2) Acquire, by grant, gift, purchase, or devise, improvements:**

20 **(A) within; or**

21 **(B) adjacent to if part of the same parcel;**

22 **the one hundred (100) year flood plains of the basin for the**
23 **purpose of removing those improvements.**

24 **(3) Acquire, dispose of, hold, use, improve, maintain, operate,**
25 **own, manage, or lease real or personal property by grant, gift,**
26 **purchase, or devise for the purposes of this chapter.**

27 **(b) The commission may exercise the powers granted by this**
28 **section as follows:**

29 **(1) For purposes of IC 32-23-5.**

30 **(2) To contribute to the following:**

31 **(A) Flood mitigation.**

32 **(B) Flood damage reduction.**

33 **(C) Improvements in water quality.**

34 **(D) Soil conservation.**

35 **Sec. 21. (a) The commission, the executive board, or employees**
36 **or authorized representatives of the commission acting under this**
37 **chapter may:**

38 **(1) enter the land lying within the one hundred (100) year**
39 **flood plain of any watercourse in the river basin; and**

40 **(2) enter land lying outside the one hundred (100) year flood**

1 plain to gain access to land lying within the one hundred (100)
2 year flood plain in the river basin;

3 if necessary to investigate, examine, or survey the land or
4 investigate suspected violations of the Indiana flood control laws.

5 (b) The commission must give twenty-one (21) days written
6 notice to:

- 7 (1) an owner of the affected land;
- 8 (2) a contract purchaser of the affected land; or
- 9 (3) if the land is municipal property (as described in
10 IC 6-1.1-10-5(a)), the executive of the municipality;

11 before exercising the right to enter land under this section. The
12 notice must state the purpose of the entry and that there is a right
13 of appeal under this section.

14 (c) A person described in subsection (b)(1) through (b)(3) may,
15 within the twenty-one (21) day notice period required by
16 subsection (b), appeal the proposed entry under subsection (a) to
17 the commission on the grounds that the proposed entry is not
18 necessary. If a person appeals under this subsection, the
19 commission shall hold a hearing on the necessity of the entry before
20 the right of entry is exercised.

21 (d) A person entering land under this section must use due care
22 to avoid damage to:

- 23 (1) crops; or
- 24 (2) fences, buildings, and other structures.

25 (e) Neither the commission, the executive board, nor employees
26 or authorized representatives of the commission acting under this
27 chapter commits criminal trespass under IC 35-43-2-2 by entering
28 land described in subsection (a) for a purpose set forth in
29 subsection (a).

30 SECTION 39. IC 14-30-7 IS ADDED TO THE INDIANA CODE
31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2026]:

33 **Chapter 7. Conversion to Watershed Development Commission**

34 **Sec. 1. (a) For purposes of this section, the following definitions
35 apply:**

36 (1) "Commission" refers to the Maumee River basin
37 commission.

38 (2) "Maumee River basin" means the area in Adams County,
39 Allen County, DeKalb County, Noble County, Steuben
40 County, and Wells County that drains into the Maumee River

1 **and the tributaries of the Maumee River.**

2 **(3) "Participating county" refers to a county that has joined**
3 **the Maumee River basin commission under IC 14-30-6-4.**

4 **(b) The commission:**

5 **(1) may; but**

6 **(2) is not required to;**

7 **consider a proposal to transform the commission from a river**
8 **basin commission subject to IC 14-30-6 into a watershed**
9 **development commission subject to IC 14-30-5.**

10 **(c) For the commission to be transformed from a river basin**
11 **commission subject to IC 14-30-6 into a watershed development**
12 **commission subject to IC 14-30-5:**

13 **(1) the county executives of all participating counties:**

14 **(A) must approve the proposal described in subsection (b);**
15 **and**

16 **(B) must adopt substantively identical ordinances that set**
17 **forth the flood damage reduction, drainage, storm water**
18 **management, recreation, water infrastructure, or soil and**
19 **water conservation purposes for which the proposed**
20 **watershed development commission would be established,**
21 **and, for purposes of IC 14-30-5-2-0.5, the designated**
22 **watershed within which the proposed watershed**
23 **development commission would exercise its powers; and**

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

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

33 **(e) If a member of the county executive of a participating county**
34 **has designated another individual under IC 14-30-6-6 to perform**
35 **the member's duties on the commission, the individual designated**
36 **to perform the duties of the member of the county executive may**
37 **vote under subsection (c)(2) on the proposal described in**
38 **subsection (b).**

39 **(f) If the county executives of all participating counties approve**
40 **a proposal described in subsection (b) under subsection (c)(1)(A)**

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

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

12 (2) The officers of the commission elected under IC 14-30-6-7
13 shall take the actions necessary and appropriate to the
14 transformation of the commission from a river basin
15 commission subject to this chapter into a watershed
16 development commission subject to IC 14-30.5.

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

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

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

23 (C) A member of the county executive from each county
24 participating in the commission or the member's designee.

25 (D) One (1) individual to represent each second class city
26 that is located in a participating county and within the
27 Maumee River basin, appointed by:

28 (i) the board of storm water management (as described
29 in IC 8-1.5-5-4) of the second class city; or

30 (ii) if the second class city has no board of storm water
31 management, the executive of the second class city.

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

35 (4) The director of the department or the director's designee:
36 (A) shall advise the commission on the transformation of
37 the commission into a watershed development commission
38 subject to IC 14-30.5; and
39 (B) when the board of the watershed development
40 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)(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 IC 14-30-6;

(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 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.

(g) 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.

(h) 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.

(i) If the Maumee watershed development commission is established under this section, the board of the Maumee watershed

1 development commission shall appoint an executive director under
2 IC 14-30.5-4-2(e). An individual who was executive director of the
3 Maumee River basin commission may be appointed executive
4 director of the Maumee watershed development commission under
5 this subsection.

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

9 (1) become property, records, and funds of the Maumee
10 watershed development commission; and
11 (2) shall be transmitted to the Maumee watershed
12 development commission not more than sixty (60) days after
13 the appointment of the executive director under subsection (i).

14 Sec. 2. (a) For purposes of this section, the following definitions
15 apply:

16 (1) "Commission" refers to the St. Joseph River basin
17 commission.
18 (2) "Participating county" refers to a county that has joined
19 the St. Joseph River basin commission under IC 14-30-6-4.
20 (3) "St. Joseph River basin" means the area in DeKalb
21 County, Elkhart County, Kosciusko County, LaGrange
22 County, Noble County, St. Joseph County, and Steuben
23 County that drains into the St. Joseph River.

24 (b) The commission:

25 (1) may; but
26 (2) is not required to;

27 consider a proposal to transform the commission from a river
28 basin commission subject to IC 14-30-6 into a watershed
29 development commission subject to IC 14-30.5.

30 (c) For the commission to be transformed from a river basin
31 commission subject to IC 14-30-6 into a watershed development
32 commission subject to IC 14-30.5:

33 (1) the county executives of all participating counties:
34 (A) must approve the proposal described in subsection (b);
35 and
36 (B) must adopt substantively identical ordinances that set
37 forth the information required by IC 14-30.5-2-1(b),
38 including, for purposes of IC 14-30.5-2-0.5, the designated
39 watershed within which the proposed watershed
40 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.

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

(e) If a member of the county executive of a participating county has designated another individual under IC 14-30-6-6 to fill the member's position on the commission, the individual designated to fill the member's position may vote under subsection (c)(2) on the proposal described in subsection (b).

(f) If the county executives of all participating counties approve a proposal described in subsection (b) under subsection (c)(1)(A) and adopt substantively identical ordinances under subsection (c)(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 (c)(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 (c)(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 IC 14-30-6-7 shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to IC 14-30-6 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,

1 appointed by the county executive.

2 (D) Either:

3 (i) one (1) individual appointed to represent each second
4 class city that is located in a participating county and
5 within the St. Joseph River basin; or
6 (ii) if a participating county does not include a second
7 class city that is located within the St. Joseph River
8 basin, one (1) individual appointed to represent the
9 municipality that has the largest population of all
10 municipalities that are located in the participating
11 county and within the St. Joseph River basin.

12 An individual appointed to represent a second class city
13 under item (i) shall be appointed by the board of storm
14 water management (as described in IC 8-1.5-5-4) of the
15 second class city or, if the second class city has no board of
16 storm water management, by the executive of the second
17 class city. An individual appointed under item (ii) to
18 represent the municipality that has the largest population
19 of all municipalities that are located in the participating
20 county and within the St. Joseph River basin shall be
21 appointed by the board of storm water management (as
22 described in IC 8-1.5-5-4) of the municipality or, if the
23 municipality has no board of storm water management, by
24 the executive of the municipality.

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

26 (A) shall advise the commission on the transformation of
27 the commission into a watershed development commission
28 subject to IC 14-30.5; and
29 (B) when the board of the watershed development
30 commission is formed, shall assume the position on the
31 board of the watershed development commission specified
32 in IC 14-30.5-4-1(a)(2)(A).

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

38 (A) the St. Joseph River basin commission ceases to exist
39 as a separate municipal corporation under IC 14-30-6;
40 (B) the St. Joseph watershed development commission is

13 (1) is a continuation of;
14 (2) retains the property and rights of; and
15 (3) is responsible for the actions and subject to the liabilities
16 of;

17 the former St. Joseph River basin commission.

36 (j) If the St. Joseph watershed development commission is
37 established under this section, the following apply:

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

40 (A) become property, records, and funds of the St. Joseph

watershed development commission; and
(B) shall be transmitted to the St. Joseph watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (i).

(2) Any advisory committee appointed under IC 14-30-6-15 is dissolved.

(3) The individuals serving as members of the St. Joseph River basin commission under IC 14-30-6 become the members of the advisory committee of the St. Joseph watershed development commission. Upon the expiration under IC 14-30-6-5 or other termination of the term of office of an individual described in this subdivision, the office of the individual shall be filled by a successor according to subdivision (4).

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

(A) From each participating county the following:

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

(ii) If the county does not have a second class city that is located within the St. Joseph River basin, the executive of the municipality that has the largest population of all 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.

Sec. 3. (a) For purposes of this section, the following definitions apply:

(1) "Commission" refers to the Upper Wabash River basin commission.

(b) The commission:

(1) may; but

(2) is not required to;

19 consider a proposal to transform the commission from a river
20 basin commission subject to IC 14-30-6 into a watershed
21 development commission subject to IC 14-30.5.

(1) the county executives of all participating counties:

(A) must approve the proposal described in subsection (b); 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.

39 (d) For the county executive of a participating county to
40 approve a proposal described in subsection (b) under subsection

1 (c)(1)(A), at least two (2) of the three (3) members of the county
2 executive must vote in favor of the proposal.

3 (e) If a member of the county executive of a participating county
4 has designated another individual under IC 14-30-6-6 to perform
5 the member's duties on the commission, the individual designated
6 to perform the member's duties may vote under subsection (c)(2)
7 on the proposal described in subsection (b).

8 (f) If the county executives of all participating counties approve
9 a proposal described in subsection (b) under subsection (c)(1)(A)
10 and adopt substantively identical ordinances under subsection
11 (c)(1)(B), a majority of the voting members of the commission vote
12 in favor of the transformation of the commission into a watershed
13 development commission under subsection (c)(2), and the natural
14 resources commission approves the transformation of the
15 commission into a watershed development commission with the
16 purposes set forth in the ordinances adopted under subsection
17 (c)(1)(B), the following apply:

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

21 (2) The officers of the commission elected under IC 14-30-6-7
22 shall take the actions necessary and appropriate to the
23 transformation of the commission from a river basin
24 commission subject to IC 14-30-6 into a watershed
25 development commission subject to IC 14-30.5.

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

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

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

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

35 (D) Either:

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

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

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

5 **An individual appointed to represent a second class city**
6 **under item (i) shall be appointed by the board of storm**
7 **water management (as described in IC 8-1.5-5-4) of the**
8 **second class city or, if the second class city has no board of**
9 **storm water management, by the executive of the second**
10 **class city. An individual appointed under item (ii) to**
11 **represent the municipality that has the largest population**
12 **of all municipalities that are located in the participating**
13 **county and within the upper Wabash River basin shall be**
14 **appointed by the board of storm water management (as**
15 **described in IC 8-1.5-5-4) of the municipality or, if the**
16 **municipality has no board of storm water management, by**
17 **the executive of the municipality.**

18 **(4) The director of the department or the director's designee:**
19 **(A) shall advise the commission on the transformation of**
20 **the commission into a watershed development commission**
21 **subject to IC 14-30.5; and**
22 **(B) when the board of the watershed development**
23 **commission is formed, shall assume the position on the**
24 **board of the watershed development commission specified**
25 **in IC 14-30.5-4-1(a)(2)(A).**

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

31 **(A) the Upper Wabash River basin commission ceases to**
32 **exist as a separate municipal corporation under**
33 **IC 14-30-6;**
34 **(B) the Upper Wabash watershed development commission**
35 **is established as a public body corporate and politic under**
36 **IC 14-30.5;**
37 **(C) the participating counties of the Upper Wabash River**
38 **basin commission become member counties of the Upper**
39 **Wabash watershed development commission under**
40 **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.

(g) 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;**

the former Upper Wabash River basin commission.

(h) If established under this section, the Upper Wabash 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 Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission comprise the designated watershed of the Upper Wabash watershed development commission.

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

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

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

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

SECTION 40. IC 14-30.5-2-0.5, AS ADDED BY P.L.251-2023,

1 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 0.5. (a) Notwithstanding subsection (b), this
3 chapter does not authorize the creation of a watershed development
4 commission if the area in which the watershed development
5 commission could exercise the powers conferred by this article would
6 include any part of the area in which a river basin commission
7 established ~~under~~ by **IC 14-30-6-2**

8 (1) ~~IC 14-30-2~~;
9 (2) ~~IC 14-30-3~~; or
10 (3) ~~IC 14-30-4~~;

11 is authorized to exercise its powers.

12 (b) This section does not prohibit:

13 (1) the transformation of the Maumee River basin commission
14 into a watershed development commission under ~~IC 14-30-2-25~~;
15 **IC 14-30-7-1**;
16 (2) the transformation of the St. Joseph River basin commission
17 into a watershed development commission under ~~IC 14-30-3-33~~;
18 **IC 14-30-7-2**; or
19 (3) the transformation of the upper Wabash River basin
20 commission into a watershed development commission under
21 **IC 14-30-4-20**; **IC 14-30-7-3**;

22 on the grounds that the watershed development commission resulting
23 from the transformation would be authorized to exercise its powers in
24 all or any part of the area in which the transformed river basin
25 commission was authorized to exercise its powers before the
26 transformation.".

27 Page 18, between lines 2 and 3, begin a new paragraph and insert:
28 "SECTION 43. IC 14-30.5-4-5, AS ADDED BY P.L.251-2023,
29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 5. (a) There is established for each watershed
31 development commission an advisory committee to provide counsel to
32 the board of the commission.

33 (b) Except as provided in subsection (c), a watershed development
34 commission advisory committee established under this section consists
35 of a member or representative of the board of supervisors of the soil
36 and water conservation district of each county that is a member of the
37 commission, selected by the board of supervisors.

38 (c) If the St. Joseph watershed development commission is
39 established under ~~IC 14-30-3-33~~; **IC 14-30-7-2**:

40 (1) the individuals serving as members of the St. Joseph River

1 basin commission under ~~IC 14-30-3-8~~ **IC 14-30-6-5** become
2 members of the advisory committee of the St. Joseph watershed
3 development commission;

4 (2) the term of office of an individual who becomes a member of
5 the advisory committee of the St. Joseph watershed development
6 commission under subdivision (1) is as provided in ~~IC 14-30-3-9~~;
7 **IC 14-30-7-2**; and

8 (3) upon:

9 (A) the expiration under ~~IC 14-30-3-9~~; **IC 14-30-6-5**; or

10 (B) the termination under any other circumstances;

11 of the term of office of an individual described in subdivision (1),
12 the office of the individual shall be filled by a successor according
13 to ~~IC 14-30-3-33(i)(4)~~; **IC 14-30-7-2(j)(4)**".

14 Renumber all SECTIONS consecutively.

(Reference is to SB 224 as printed January 27, 2026.)