

HOUSE BILL No. 1342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-28-1-23.

Synopsis: Removal of residence from floodway. Prohibits the director of the department of natural resources (department) from exercising the authority to remove or eliminate an abode or residence from a floodway if: (1) the area in which the abode or residence is located was not subject to a county, city, or town flood damage prevention ordinance when the abode or residence was constructed; or (2) the owner or previous owner of the abode or residence contacted the department about the presence of the abode or residence in the floodway and the department did not inform the owner or previous owner that the abode or residence was subject to removal or elimination by authority of the director of the department. Provides that the prohibition against removing or eliminating an abode or residence expires when the director of the department certifies that the department has applied for a grant from the Hazard Mitigation Assistance Grant Program of the Federal Emergency Management Agency that could be used to compensate the owner for the loss of the abode or residence to be removed or eliminated.

Effective: January 1, 2020 (retroactive).

Lindauer

January 14, 2020, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1342

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

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

1 SECTION 1. IC 14-28-1-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]:
3 Sec. 23. (a) The director may remove or eliminate a structure, an
4 obstruction, a deposit, or an excavation in a floodway that:
5 (1) adversely affects the efficiency of or unduly restricts the
6 capacity of the floodway;
7 (2) constitutes an unreasonable hazard to the safety of life or
8 property; or
9 (3) is unreasonably detrimental to fish, wildlife, or botanical
10 resources;
11 by an action in condemnation.
12 (b) In assessing the damages in the proceedings, the appraisers and
13 the court shall take into consideration whether the structure,
14 obstruction, deposit, or excavation is legally in or on the floodway.
15 **(c) Beginning January 1, 2020, the director shall not exercise the**
16 **authority under subsection (a) to remove or eliminate an abode or**
17 **residence from a floodway if:**



1 **(1) the area in which the abode or residence is located was not**
2 **subject to a county, city, or town flood damage prevention**
3 **ordinance when the abode or residence was constructed; or**
4 **(2) before January 1, 2020, the owner or previous owner of**
5 **the abode or residence contacted the department about the**
6 **presence of the abode or residence in the floodway and the**
7 **department did not inform the owner or previous owner that**
8 **the abode or residence was subject to removal or elimination**
9 **under subsection (a).**

10 **This subsection expires when the director certifies by letter to the**
11 **revisor of statutes of the general assembly that the department, in**
12 **cooperation with the executive of every county, city, or town which**
13 **is the location of an abode or residence that is described in this**
14 **subsection and that the department has proposed to remove or**
15 **eliminate under subsection (a), has submitted an application for a**
16 **grant from the Hazard Mitigation Assistance Grant Program of**
17 **the Federal Emergency Management Agency that could be used to**
18 **compensate the owner of an abode or residence described in this**
19 **subsection for the loss of the abode or residence.**

20 **SECTION 2. An emergency is declared for this act.**

