

# SENATE BILL No. 391

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-25.2.

**Synopsis:** Statewide and regional water resource planning. Divides Indiana into nine hydrological regions, each of which contains certain specified counties. Establishes for each hydrological region: (1) a regional water management council consisting of the chairpersons of the drainage board and the soil and water conservation district of each county in the hydrological region; and (2) a regional water planning group consisting of the members of the regional water management council and six other members selected by majority vote of the regional water management council from individuals falling within certain interest categories. Requires each regional water planning group, every five years, to adopt a regional water resources plan for its hydrological region and to forward its regional water resources plan to the natural resources commission. Requires the natural resources commission, every five years, to adopt a comprehensive state water resources plan that incorporates the regional water resources plans of the regional water planning groups. Requires the director of the department of natural resources to establish a water resources information system to serve as a central clearinghouse and referral center for data relevant to Indiana's water resources.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 391

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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 14-8-2-61, AS AMENDED BY P.L.197-2011,  
2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 61. **(a) "Council"**, for purposes of IC 14-21-1, has  
4 the meaning set forth in IC 14-21-1-5.

5 **(b) "Council", for purposes of IC 14-25.2, has the meaning set**  
6 **forth in IC 14-25.2-1-2.**

7 SECTION 2. IC 14-8-2-128.5 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2014]: **Sec. 128.5. "Hydrological region", for**  
10 **purposes of IC 14-25.2, has the meaning set forth in IC 14-25.2-1-3.**

11 SECTION 3. IC 14-8-2-206.2 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2014]: **Sec. 206.2. "Planning group", for**  
14 **purposes of IC 14-25.2, has the meaning set forth in IC 14-25.2-1-4.**

15 SECTION 4. IC 14-25.2 IS ADDED TO THE INDIANA CODE AS  
16 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,



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2014]:

**ARTICLE 25.2. WATER RESOURCES PLANNING**

**Chapter 1. Definitions**

**Sec. 1. The definitions set forth in this chapter apply throughout this article.**

**Sec. 2. "Council" refers to a regional water management council established for a hydrological region under IC 14-25.2-2-2.**

**Sec. 3. "Hydrological region" means an area that:**

**(1) is bounded by county lines; and**

**(2) consists of:**

**(A) at least three (3); and**

**(B) not more than five (5);**

**contiguous hydrological units, as defined by the eight (8) digit hydrological unit code of the United States Geological Survey, that have similar characteristics for purposes of water resource management.**

**Sec. 4. "Planning group" refers to a regional water planning group established for a hydrological region under IC 14-25.2-2-3.**

**Chapter 2. Hydrological Regions and Regional Water Planning Groups**

**Sec. 1. Subject to section 6 of this chapter, the following hydrological regions are established for the purposes of this article:**

**(1) Region One:**

**(A) Lake County;**

**(B) Porter County;**

**(C) LaPorte County;**

**(D) St. Joseph County;**

**(E) Newton County;**

**(F) Jasper County;**

**(G) Starke County; and**

**(H) Marshall County.**

**(2) Region Two:**

**(A) Elkhart County;**

**(B) LaGrange County;**

**(C) Steuben County;**

**(D) Noble County;**

**(E) DeKalb County;**

**(F) Allen County; and**

**(G) Adams County.**

**(3) Region Three:**

**(A) Kosciusko County;**

**(B) Pulaski County;**



- 1 (C) Fulton County;  
 2 (D) White County;  
 3 (E) Cass County;  
 4 (F) Carroll County;  
 5 (G) Howard County;  
 6 (H) Clinton County; and  
 7 (I) Tipton County.  
 8 (4) Region Four:  
 9 (A) Whitley County;  
 10 (B) Miami County;  
 11 (C) Wabash County;  
 12 (D) Huntington County;  
 13 (E) Wells County;  
 14 (F) Grant County;  
 15 (G) Blackford County;  
 16 (H) Jay County; and  
 17 (I) Randolph County.  
 18 (5) Region Five:  
 19 (A) Benton County;  
 20 (B) Warren County;  
 21 (C) Tippecanoe County;  
 22 (D) Fountain County;  
 23 (E) Montgomery County;  
 24 (F) Boone County;  
 25 (G) Vermillion County;  
 26 (H) Parke County;  
 27 (I) Putnam County;  
 28 (J) Hendricks County; and  
 29 (K) Clay County.  
 30 (6) Region Six:  
 31 (A) Hamilton County;  
 32 (B) Madison County;  
 33 (C) Delaware County;  
 34 (D) Marion County;  
 35 (E) Hancock County;  
 36 (F) Henry County;  
 37 (G) Wayne County;  
 38 (H) Morgan County;  
 39 (I) Johnson County;  
 40 (J) Shelby County;  
 41 (K) Rush County;  
 42 (L) Fayette County;



- 1                   (M) Union County; and  
 2                   (N) Franklin County.  
 3           **(7) Region Seven:**  
 4                   (A) Vigo County;  
 5                   (B) Sullivan County;  
 6                   (C) Knox County;  
 7                   (D) Gibson County;  
 8                   (E) Posey County; and  
 9                   (F) Vanderburgh County.  
 10           **(8) Region Eight:**  
 11                   (A) Owen County;  
 12                   (B) Monroe County;  
 13                   (C) Brown County;  
 14                   (D) Greene County;  
 15                   (E) Lawrence County;  
 16                   (F) Daviess County;  
 17                   (G) Martin County;  
 18                   (H) Orange County;  
 19                   (I) Washington County;  
 20                   (J) Pike County;  
 21                   (K) Dubois County;  
 22                   (L) Crawford County;  
 23                   (M) Harrison County;  
 24                   (N) Floyd County;  
 25                   (O) Warrick County;  
 26                   (P) Spencer County; and  
 27                   (Q) Perry County.  
 28           **(9) Region Nine:**  
 29                   (A) Bartholomew County;  
 30                   (B) Decatur County;  
 31                   (C) Jackson County;  
 32                   (D) Jennings County;  
 33                   (E) Ripley County;  
 34                   (F) Dearborn County;  
 35                   (G) Scott County;  
 36                   (H) Jefferson County;  
 37                   (I) Switzerland County;  
 38                   (J) Clark County; and  
 39                   (K) Ohio County.  
 40           **Sec. 2. (a) A regional water management council is established**  
 41           **for each hydrological region.**  
 42           **(b) The regional water management council of a hydrological**



- 1 region consists of:
- 2 (1) the chairperson of the drainage board established under
- 3 IC 36-9-27-4; and
- 4 (2) the chairperson of the board of supervisors of the soil and
- 5 water conservation district established under IC 14-32;
- 6 of each county located in the hydrological region.
- 7 **Sec. 3. (a) A regional water planning group shall be established**
- 8 **for each hydrological region.**
- 9 (b) The regional water planning group of a hydrological region
- 10 consists of:
- 11 (1) the members of the regional water management council of
- 12 the hydrological region; and
- 13 (2) subject to subsection (d), six (6) other members selected by
- 14 majority vote of the regional water management council, at
- 15 least one (1) of whom must be selected from each of the
- 16 interest categories set forth in subsection (c).
- 17 (c) The interest categories from which members of the regional
- 18 water planning group of a hydrological region shall be selected
- 19 under subsection (b)(2) are the following:
- 20 (1) A member of the public who resides in the hydrological
- 21 region but does not fall within any of the interest categories
- 22 set forth in subdivisions (2) through (6).
- 23 (2) An officer or employee of the government of a county, city,
- 24 or town located within the hydrological region.
- 25 (3) A representative of persons or firms involved in
- 26 agricultural activities within the hydrological region.
- 27 (4) A member of a conservation or environmental advocacy
- 28 organization who resides or is active in the hydrological
- 29 region.
- 30 (5) A representative of business firms located within the
- 31 hydrological region.
- 32 (6) A representative of a utility company that:
- 33 (A) generates electrical power; or
- 34 (B) provides electrical service or water service;
- 35 in the hydrological region.
- 36 (d) If the members of the regional water management council of
- 37 a hydrological region are unable under subsection (b) to select a
- 38 potential regional water planning group member from a particular
- 39 interest category set forth in subsection (c)(1) through (c)(6), the
- 40 regional water planning group of the hydrological region need not
- 41 include a member from that interest category.
- 42 **Sec. 4. (a) After a regional water planning group is established**



1 for a hydrological region, the planning group shall adopt bylaws to  
 2 govern the activities of the planning group in discharging its duties  
 3 under this article.

4 (b) The director may provide guidance, including model bylaws,  
 5 to a regional water planning group in the adoption of bylaws under  
 6 this section.

7 **Sec. 5. (a)** A regional water management council is a governing  
 8 body of a public agency for purposes of IC 5-14-1.5, and its  
 9 meetings must be open at all times for the purpose of permitting  
 10 members of the public to observe and record them.

11 (b) A regional water management council is a public agency for  
 12 purposes of IC 5-14-3, and any person may inspect and copy its  
 13 public records during regular business hours.

14 **Sec. 6. (a)** The hydrological regions established by section 1 of  
 15 this chapter:

16 (1) are established for the purposes of the initial regional  
 17 water resources plans to be prepared by regional water  
 18 management councils under IC 14-25.2-3 and presented to the  
 19 commission before January 1, 2016; and

20 (2) remain in effect unless they are revised under subsection  
 21 (b).

22 (b) If a revised or entirely new state water resources plan  
 23 adopted under IC 14-25.2-4-2(c) revises the hydrological regions  
 24 established by section 1 of this chapter by changing the  
 25 hydrological region to which certain counties are assigned:

26 (1) the hydrological regions as revised shall be the  
 27 hydrological regions for all purposes of this article;

28 (2) the membership of the regional water management council  
 29 established by section 2 of this chapter for a hydrological  
 30 region shall change in accordance with any change in the  
 31 counties assigned to the hydrological region; and

32 (3) a person who was selected under section 3(b)(2) of this  
 33 chapter to be a member of the regional water planning group  
 34 of a hydrological region ceases to be a member of the planning  
 35 group if, because of the change in counties assigned to the  
 36 hydrological region, the person would no longer be eligible  
 37 under section 3(c) of this chapter to be selected as a member  
 38 of the planning group of the hydrological region.

39 **Chapter 3. Planning by Regional Water Planning Groups**

40 **Sec. 1.** The regional water management council of a  
 41 hydrological region shall prepare a written study of the  
 42 hydrological region. The study must include a detailed description



- 1 of the following:
- 2 (1) The water resources of the hydrological region, including
- 3 a detailed quantitative assessment of the water resources.
- 4 (2) Demographic and economic factors in the hydrological
- 5 region that affect water resources, including:
- 6 (A) current; and
- 7 (B) projections of future;
- 8 population and economic activity.
- 9 (3) Water quality problems in the hydrological region.
- 10 (4) Areas of the hydrological region in which there is or will
- 11 be a surplus of water resources, and areas of the hydrological
- 12 region in which the demand exceeds or will exceed the
- 13 capacity of the area's water resources.
- 14 (5) Other conditions affecting water resources in the
- 15 hydrological region that the director instructs the council to
- 16 study.
- 17 **Sec. 2. Using:**
- 18 (1) the information set forth in the study under section 1 of
- 19 this chapter; and
- 20 (2) the uniform, consistent methodology and guidance for the
- 21 calculation of water use and conservation adopted by the
- 22 commission under IC 14-25.2-4-1;
- 23 a regional water management council of a hydrological region
- 24 shall, in quantitative terms, predict the future demand on the water
- 25 resources of the hydrological region for purposes of section 3 of
- 26 this chapter.
- 27 **Sec. 3. (a)** Based upon the information set forth in the study
- 28 under section 1 of this chapter and the prediction of future demand
- 29 made under section 2 of this chapter, the regional water
- 30 management council of a hydrological region shall determine
- 31 whether the water supplies of the hydrological region will be
- 32 adequate to meet the needs of all water users in the hydrological
- 33 region:
- 34 (1) during the decade beginning January 1, 2017;
- 35 (2) during the decade beginning January 1, 2027;
- 36 (3) during the decade beginning January 1, 2037;
- 37 (4) during the decade beginning January 1, 2047; and
- 38 (5) during the decade beginning January 1, 2057.
- 39 (b) If a regional water management council determines, with
- 40 respect to a decade set forth in subsection (a)(1) through (a)(5),
- 41 that the water supplies of the hydrological region will not be
- 42 adequate to meet the needs of all water users in the hydrological





1 region, the council shall:

2 (1) determine the economic and social effects that will occur  
3 in the hydrological region if the needs of all water users are  
4 not met; and

5 (2) develop strategies and plans to meet the needs of all water  
6 users of the hydrological region in that decade.

7 Sec. 4. When developing strategies and plans to meet the needs  
8 of water users of the hydrological region in a particular decade  
9 under section 3(a) of this chapter, a regional water management  
10 council shall do the following:

11 (1) Evaluate the effects that each strategy or plan would have  
12 on water quality in the hydrological region.

13 (2) Determine the extent to which each strategy or plan is  
14 consistent with the long term protection of Indiana's water  
15 resources, other natural resources, and agricultural  
16 resources.

17 (3) Recommend any changes in Indiana law or administrative  
18 rules that, in the view of the regional water management  
19 council, would be essential or beneficial to the success of a  
20 strategy or plan.

21 (4) If a strategy or plan involves the construction of a major  
22 water supply project or water quality project, describe how  
23 that project would be financed.

24 Sec. 5. (a) A regional water management council shall carry out  
25 its responsibilities under this chapter through public meetings.

26 (b) The regional water management council shall provide  
27 opportunity for public comment at its public meetings and shall  
28 consider the public comment offered at its meetings when carrying  
29 out its responsibilities under this chapter.

30 Sec. 6. (a) Based upon its:

31 (1) study of the hydrological region under section 1 of this  
32 chapter;

33 (2) prediction of future demand on the water resources of the  
34 hydrological region under section 2 of this chapter; and

35 (3) development of strategies and plans to meet the future  
36 needs of the water users of the hydrological region under  
37 sections 3 through 5 of this chapter;

38 a regional water management council shall prepare a water  
39 resources plan for its hydrological region.

40 (b) Each regional water management council shall prepare a  
41 regional water resources plan under this chapter once every five  
42 (5) years. The initial regional water resources plan of a regional



1 water management council shall be completed under this chapter  
 2 and presented to the commission before January 1, 2016. The  
 3 regional water management council shall prepare and present to  
 4 the commission a revised regional water resources plan or an  
 5 entirely new regional water resources plan under this chapter:

- 6 (1) before January 1, 2021;
- 7 (2) before January 1, 2026; and
- 8 (3) before January 1, 2031;

9 and thereafter at five (5) year intervals.

10 **Chapter 4. State Water Planning**

11 **Sec. 1.** The natural resources commission shall adopt rules  
 12 under IC 4-22-2 that establish a uniform, consistent methodology  
 13 for the calculation of water use and conservation for purposes of  
 14 the preparation of:

- 15 (1) regional water resources plans under IC 14-25.2-3; and
- 16 (2) the state water resources plan under this chapter;

17 and set forth guidance on the use of the methodology.

18 **Sec. 2. (a)** The natural resources commission shall receive the  
 19 regional water resources plans prepared by regional water  
 20 management councils under IC 14-25.2-3.

21 (b) The commission shall prepare, develop, and adopt a  
 22 comprehensive state water resources plan that incorporates the  
 23 regional water resources plans received under subsection (a). The  
 24 commission, after receiving the initial regional water resources  
 25 plans prepared under IC 14-25.2-3, shall adopt the initial state  
 26 water resources plan before January 1, 2017.

27 (c) After adopting the initial state water resources plan under  
 28 subsection (b), the commission shall adopt a revised or entirely new  
 29 state water resources plan:

- 30 (1) before January 1, 2022;
- 31 (2) before January 1, 2027; and
- 32 (3) before January 1, 2032;

33 and thereafter at five (5) year intervals.

34 **Sec. 3.** A state water resources plan adopted under section 2 of  
 35 this chapter must provide for:

- 36 (1) the orderly development, management, and conservation  
 37 of water resources; and
- 38 (2) preparation for and response to drought conditions;

39 so that sufficient water will be available in Indiana at a reasonable  
 40 cost to ensure public health, safety, and welfare, to further  
 41 economic development, and to protect the agricultural and natural  
 42 resources of Indiana.



1           **Sec. 4.** The state water resources plan adopted under section 2  
 2 of this chapter shall be a guide to state water policy. The  
 3 commission shall take the plan into consideration in all water  
 4 resource related matters that come before the commission.

5           **Sec. 5. (a)** The commission, in coordination with the department  
 6 of agriculture and the environmental rules board, shall adopt rules  
 7 under IC 4-22-2 establishing guidance principles for the state  
 8 water resources plan.

9           **(b)** The guidance principles established under this section must:

10           (1) advance the public interests of the entire state; and

11           (2) reflect the preference that any redistribution of water  
 12 resources under the state water resources plan be voluntary.

13           **Chapter 5. The Water Resources Information System**

14           **Sec. 1. (a)** The director shall establish the Indiana water  
 15 resources information system to serve state and local government  
 16 and citizens as a central clearinghouse and referral center for:

17           (1) water resource data;

18           (2) census data as it relates to present and future water usage;  
 19 and

20           (3) other data relevant to Indiana's water resources.

21           **(b)** The director may enter into partnerships with private  
 22 entities to provide improved access to information in the water  
 23 resources information system.

24           **Sec. 2.** The director shall incorporate into the water resources  
 25 information system established under section 1 of this chapter the  
 26 following:

27           (1) Information resulting from:

28           (A) the continuing assessment of the availability of the  
 29 water resource made;

30           (B) the inventory of significant uses of water withdrawn  
 31 from the surface or ground taken; and

32           (C) the plans for the development, conservation, and use of  
 33 the water resource for beneficial uses formed;

34 by the natural resources commission under IC 14-25-7-11.

35           (2) Information relating to the water resource that is collected  
 36 by the commission under IC 14-25-7-12(1).

37           (3) The inventory of the water resource of Indiana that is  
 38 maintained by the commission under IC 14-25-7-13(b).

39           (4) The plans and recommendations for the development,  
 40 conservation, and use of the water resource of Indiana that  
 41 are maintained by the commission under IC 14-25-7-13(c).

42           (5) The compilation and mapping of all community public



1           **water supplies in Indiana serving at least five hundred (500)**  
2           **customers that is prepared by the commission under**  
3           **IC 14-25-7-13(d).**  
4           **(6) The regional water resources plans adopted under**  
5           **IC 14-25.2-3.**  
6           **(7) The state water resources plans adopted under**  
7           **IC 14-25.2-4.**  
8           **(8) Data collected through the statewide water resource data**  
9           **collection and dissemination network under section 3 of this**  
10          **chapter.**  
11          **Sec. 3. The director, in cooperation with:**  
12               **(1) the federal government;**  
13               **(2) other officers and entities of state government;**  
14               **(3) entities of local government;**  
15               **(4) public and private institutions of higher education; and**  
16               **(5) other interested persons;**  
17          **shall guide the development of a statewide water resource data**  
18          **collection and dissemination network. Appropriate data collected**  
19          **through the network shall be incorporated into the water resources**  
20          **information system established under section 1 of this chapter.**

