

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1211

---

AN ACT to amend the Indiana Code concerning natural resources.

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

SECTION 1. IC 14-30-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

**Chapter 5. Transborder Water Resources Authority**

**Sec. 0.5. This chapter does not in any way supersede or affect the Great Lakes—St. Lawrence River Basin Water Resources Compact under IC 14-25-15-1 or any:**

- (1) restrictions, obligations, powers, rights, duties, prohibitions, immunities, privileges, organizations, or procedures established;
- (2) actions taken; or
- (3) supplemental or concurring legislation enacted or rules adopted;

under IC 14-25-15-1 or the Compact.

**Sec. 1. As used in this chapter, "authority" refers to the transborder water resources authority established by section 4 of this chapter.**

**Sec. 2. (a) As used in this chapter, "transborder water resource" refers to any water resource that is located:**

- (1) partly within Indiana and partly within another state; or
  - (2) on the border between Indiana and another state.
- (b) The term does not include any water resource located within**

HEA 1211 — Concur



the watershed of the Great Lakes.

**Sec. 3. As used in this chapter, "water resource" means:**

- (1) an aquifer;**
- (2) a river; or**
- (3) a lake.**

**Sec. 4. (a) The transborder water resources authority is established.**

**(b) The authority consists of the following twelve (12) individuals:**

**(1) Four (4) members of the general assembly appointed as follows:**

- (A) One (1) member appointed by the speaker of the house of representatives.**
- (B) One (1) member appointed by the minority leader of the house of representatives.**
- (C) One (1) member appointed by the president pro tempore of the senate.**
- (D) One (1) member appointed by the minority leader of the senate.**

**(2) Four (4) ex officio members as follows:**

- (A) The executive director of the department of natural resources or the executive director's designee.**
- (B) The executive director of the office of community and rural affairs or the executive director's designee.**
- (C) The secretary of commerce or the secretary's designee.**
- (D) The state geologist or the state geologist's designee.**

**(3) Four (4) individuals appointed by the governor.**

**Sec. 5. The members of the authority serve without compensation. However, each member is entitled to reimbursement for travel, lodging, meals, and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**Sec. 6. (a) The authority shall elect from among the members the following officers:**

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

**(b) The term of office of an officer elected under subsection (a) is one (1) year. An officer elected under subsection (a) is eligible for reelection.**



(c) The authority may establish and fill other offices that the authority considers necessary.

**Sec. 7.** The authority may establish one (1) or more advisory committees to assist the authority. Individuals who are not members of the authority may be appointed by the authority as members of an advisory committee. A member of an advisory committee is not entitled to:

- (1) compensation for serving on the advisory committee; or
- (2) reimbursement for expenses incurred in connection with the member's service on the advisory committee.

**Sec. 8. (a)** The authority shall:

- (1) fix the times of the authority's regular meetings; and
- (2) have at least one (1) meeting in each quarter of the year.

(b) A special meeting of the authority may be called in a manner established by the authority.

(c) A member of the authority may waive notice of any meeting by filing a written waiver with the secretary of the authority.

**Sec. 9. (a)** A majority of all the members of the authority constitutes a quorum.

(b) The affirmative vote of a majority of the entire membership is required for the authority to take action.

(c) The authority shall keep a record of the authority's resolutions, transactions, and findings. The record kept under this subsection is a public record under IC 5-14-3.

(d) The authority may adopt rules for the transaction of business.

(e) The authority may sue and be sued.

**Sec. 10.** The authority shall do the following:

- (1) Study the subject of ownership rights in one (1) or more transborder water resources shared by Indiana and other states.
- (2) Explore the desirability of entering into interstate compacts with other states concerning the mutually fair and prudent use of transborder water resources shared by Indiana and the other states.
- (3) Make recommendations concerning the content of any interstate compact described in subdivision (2).

**Sec. 11.** The authority may do the following:

- (1) Provide a forum for the discussion, study, and evaluation of issues concerning transborder water resources.
- (2) Facilitate and foster cooperative planning and coordinated management of transborder water resources.



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

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

(5) When requested, make recommendations in matters related to the authority's functions and objectives to:

(A) political subdivisions; and

(B) other public and private agencies.

(6) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to transborder water resources.

Sec. 12. The authority may invite the governor, government officials, or other individuals from a state with which Indiana shares a transborder water resource to do the following:

(1) Attend the authority's meetings.

(2) Advise the authority, upon the authority's request.

Sec. 13. (a) The authority may receive grants and appropriations from the following:

(1) Federal, state, and local governments.

(2) Individuals, foundations, and other organizations.

(b) The authority may enter into agreements or contracts regarding the acceptance or use of grants and appropriations for the purpose of carrying out the authority's activities under this chapter.

Sec. 14. Subject to amounts appropriated to the authority by the general assembly, the authority shall do the following:

(1) Prepare and adopt an annual budget.

(2) Submit the budget to the budget agency.

Sec. 15. (a) The authority may make expenditures only as budgeted. However, the authority may revise the budget at any time to authorize unbudgeted expenditures with the approval of the budget agency.

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

(c) The authority is responsible for the safekeeping and deposit of money the authority 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 the authority.**

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

- (1) Applicable statutes.**
- (2) Procedures established by the authority.**

**Sec. 16. The authority shall make an annual report of the authority's activities to the:**

- (1) governor; and**
- (2) general assembly in an electronic format under IC 5-14-6.**

**Sec. 17. This chapter expires July 1, 2022.**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1211 — Concur**

