

HOUSE BILL No. 1423

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-39.

Synopsis: Regional water resources planning. Divides Indiana into 18 water resources planning regions, each of which consists of two or more counties. Establishes a regional water management planning group (planning group) for each water resources planning region. Provides that a planning group is a separate body corporate and politic consisting of 10 members. Provides for the appointment of the members of a planning group by the governor. Requires a planning group to: (1) gather and analyze data on the water resources and uses of its region; (2) develop regional water plans to sustainably serve all of the water needs and interests of the region; and (3) administer funds provided to the planning group. Confers upon a planning group the powers consistent with the Constitution of the State of Indiana that are necessary and appropriate to achieve the planning group's purposes. Authorizes a planning group to acquire real or personal property necessary to enable the planning group to fulfill the planning group's purposes and to provide administrative, management, or technical services to a unit in the region that requests the services. Prohibits a planning group from delegating any of its powers or duties.

Effective: July 1, 2018.

Wolkins, GiaQuinta

January 16, 2018, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1423

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 36-7-39 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 39. Regional Water Management Planning Groups**

5 **Sec. 1. As used in this chapter, "planning group" refers to a**
6 **regional water management planning group established in a water**
7 **resources planning region.**

8 **Sec. 2. As used in this chapter, "region" refers to any of the**
9 **water resources planning regions established by section 3 of this**
10 **chapter.**

11 **Sec. 3. The following water resources planning regions are**
12 **established for the purposes of this chapter:**

- 13 (1) **Region 1, consisting of Lake County and Porter County.**
- 14 (2) **Region 2, consisting of Newton County, Jasper County,**
15 **Starke County, and Pulaski County.**
- 16 (3) **Region 3, consisting of LaPorte County, St. Joseph**
17 **County, Elkhart County, Marshall County, and Kosciusko**



- 1 County.
- 2 (4) Region 4, consisting of LaGrange County, Steuben County,
- 3 Noble County, Whitley County, and Huntington County.
- 4 (5) Region 5, consisting of DeKalb County, Allen County,
- 5 Wells County, and Adams County.
- 6 (6) Region 6, consisting of Benton County, Warren County,
- 7 Fountain County, White County, Carroll County, Tippecanoe
- 8 County, Clinton County, and Montgomery County.
- 9 (7) Region 7, consisting of Fulton County, Cass County,
- 10 Miami County, Wabash County, Howard County, and Tipton
- 11 County.
- 12 (8) Region 8, consisting of Grant County, Blackford County,
- 13 Jay County, Madison County, Delaware County, Randolph
- 14 County, and Henry County.
- 15 (9) Region 9, consisting of Parke County, Vermillion County,
- 16 Putnam County, Vigo County, Clay County, and Sullivan
- 17 County.
- 18 (10) Region 10, consisting of Hamilton County, Boone County,
- 19 Hendricks County, Marion County, Hancock County, Morgan
- 20 County, Johnson County, and Shelby County.
- 21 (11) Region 11, consisting of Wayne County, Rush County,
- 22 Fayette County, Union County, and Franklin County.
- 23 (12) Region 12, consisting of Owen County and Monroe
- 24 County.
- 25 (13) Region 13, consisting of Brown County, Bartholomew
- 26 County, Decatur County, Jackson County, and Jennings
- 27 County.
- 28 (14) Region 14, consisting of Ripley County, Dearborn
- 29 County, Jefferson County, Ohio County, and Switzerland
- 30 County.
- 31 (15) Region 15, consisting of Greene County, Knox County,
- 32 Daviess County, Martin County, and Lawrence County.
- 33 (16) Region 16, consisting of Gibson County, Pike County,
- 34 Posey County, Vanderburgh County, and Warrick County.
- 35 (17) Region 17, consisting of Washington County, Scott
- 36 County, Clark County, Harrison County, and Floyd County.
- 37 (18) Region 18, consisting of Orange County, Dubois County,
- 38 Crawford County, Spencer County, and Perry County.
- 39 Sec. 4. (a) One (1) regional water management planning group
- 40 is established as a separate body corporate and politic in each
- 41 water resources planning region for the purposes of:
- 42 (1) gathering and analyzing information about water



- 1 resources and their use; and
 2 (2) helping to establish sustainable, productive, and equitable
 3 management and use of water resources in Indiana.
 4 (b) A planning group consists of ten (10) members.
 5 (c) The members of a planning group shall be appointed by the
 6 governor in consultation with elected officials of cities, towns, and
 7 counties located in the region. Not more than six (6) members of a
 8 planning group may be affiliated with any one (1) political party.
 9 Each member of a planning group must be a resident of the region
 10 for which the planning group is established.
 11 (d) A member of a planning group serves a term of three (3)
 12 years, except that, of the ten (10) members of a planning group
 13 appointed upon the establishment of the planning group under this
 14 chapter, three (3) shall be appointed to a term of one (1) year and
 15 three (3) shall be appointed to a term of two (2) years.
 16 (e) A planning group must include members representing the
 17 following interests:
 18 (1) Drinking water and domestic water use.
 19 (2) Local government.
 20 (3) Natural resources, fish and wildlife, and ecology.
 21 (4) Recreational water use.
 22 (5) Industrial water use.
 23 (6) Use of water in electric power production.
 24 (7) Agriculture.
 25 (8) Public health.
 26 (9) Drainage and storm water management.
 27 (f) The members of a planning group serve without salary but
 28 may be reimbursed for expenses incurred in the performance of
 29 their duties.
 30 (g) If a vacancy occurs in a planning group by resignation or
 31 otherwise, the governor shall appoint a replacement member for
 32 the unexpired term of the former member whose position is vacant.
 33 Sec. 5. (a) The members of a regional water management
 34 planning group:
 35 (1) shall elect one (1) of the members as chair of the planning
 36 group; and
 37 (2) may elect other members:
 38 (A) to the office of vice-chair; and
 39 (B) to other offices established by vote of the members.
 40 (b) A planning group:
 41 (1) shall meet at least quarterly; and
 42 (2) may meet at such other times as may be established by the



1 chair or by vote of the members.

2 (c) A planning group is a public agency as defined in
3 IC 5-14-1.5-2 and is subject to IC 5-14-1.5.

4 (d) Each planning group:

- 5 (1) shall adopt rules for the transaction of business; and
6 (2) shall keep records of its resolutions, transactions, findings,
7 and determinations.

8 The records kept under subdivision (2) are public records subject
9 to IC 5-14-3.

10 (e) A planning group shall give advance notice of its meetings to:

- 11 (1) the public;
12 (2) the department of natural resources;
13 (3) the department of environmental management;
14 (4) the Midwest region office of the United States Fish and
15 Wildlife Service; and
16 (5) the Louisville District Office of the United States Army
17 Corps of Engineers.

18 (f) A majority of the members of a planning group constitutes
19 a quorum. However, a planning group can take action only by the
20 affirmative vote of a majority taken at a meeting at which at least
21 one (1) member from each county in the region is present.

22 Sec. 6. A regional water management planning group, working
23 cooperatively with state, local, and national agencies, shall do the
24 following:

- 25 (1) Gather and analyze data on the water resources and uses
26 of its region.
27 (2) Develop regional water plans that, to the greatest extent
28 possible, sustainably serve all of the water needs and interests
29 of the region without compromising:
30 (A) the needs of other regions; or
31 (B) the future availability of water resources in the
32 planning group's region.
33 (3) Administer funds provided to the planning group,
34 including grants, gifts, and funding from the state and from
35 local government, so as to:
36 (A) carry out the plans developed under subdivision (2),
37 and adapt and adjust the plans in response to changing
38 conditions;
39 (B) complete water infrastructure improvements
40 addressing both natural and constructed water
41 infrastructure;
42 (C) reduce flood damage with ecologically sound projects;



- 1 **and**
2 **(D) address adjustments in water use that are required in**
3 **conditions of drought.**
4 **Sec. 7. (a) In addition to carrying out the duties set forth in**
5 **section 6 of this chapter, a regional water management planning**
6 **group:**
7 **(1) has all powers consistent with the Constitution of the State**
8 **of Indiana that are necessary and appropriate to achieve the**
9 **purposes set forth in section 4(a) of this chapter, except those**
10 **powers:**
11 **(A) specifically withheld by this chapter; or**
12 **(B) exclusively granted to other governmental units;**
13 **(2) shall coordinate its activities with:**
14 **(A) all units in the region;**
15 **(B) the planning groups of other regions; and**
16 **(C) the state;**
17 **(3) may:**
18 **(A) acquire by grant, gift, purchase, lease, devise, or**
19 **otherwise; and**
20 **(B) hold, use, improve, maintain, operate, own, manage, or**
21 **lease (as lessor or lessee);**
22 **real or personal property that is necessary to enable the**
23 **planning group to fulfill its purposes and carry out its duties;**
24 **and**
25 **(4) may provide administrative, management, or technical**
26 **services to a unit in the region that requests the services.**
27 **(b) A planning group may not delegate any of its powers or**
28 **duties.**

