

HOUSE BILL No. 1334

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-30-5.

Synopsis: Transborder groundwater authority. Establishes the Indiana-Kentucky transborder groundwater authority (authority). Requires the authority to study ownership rights in the groundwater resources shared by Indiana and Kentucky and to explore the desirability of entering into an interstate compact with Kentucky concerning the use of the groundwater underlying southern Indiana and northern Kentucky. Authorizes a county that borders the Ohio River or that borders another county that borders the Ohio River to elect to participate in the authority. Provides for the authority to include elected officials from municipal and county government in the participating counties, county health officers of the participating counties, a member of the board of the soil and water conservation district of a participating county, and the director of the department of natural resources. Authorizes the authority to invite government officials from Kentucky to attend the authority's meetings and advise the authority. Authorizes the authority to receive grants and appropriations from governmental and private sources. Provides that participating counties may appropriate money for the authority's budget. Requires the state board of accounts to prescribe the methods and forms for keeping and to periodically audit the accounts, records, and books of the authority. Provides that the authority expires July 1, 2020.

Effective: July 1, 2015.

Stemler

January 13, 2015, read first time and referred to Committee on Statutory Committee on Interstate and International Cooperation.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1334



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

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

1 SECTION 1. IC 14-30-5 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2015]:
 4 **Chapter 5. Indiana-Kentucky Transborder Groundwater**
 5 **Authority**
 6 **Sec. 1. As used in this chapter, "authority" refers to the**
 7 **Indiana-Kentucky transborder groundwater authority established**
 8 **by section 5 of this chapter.**
 9 **Sec. 2. As used in this chapter, "executive" has the meaning set**
 10 **forth in IC 36-1-2-5.**
 11 **Sec. 3. As used in this chapter, "participating county" refers to**
 12 **a county that elects to participate in the authority under section 6**
 13 **of this chapter.**
 14 **Sec. 4. As used in this chapter, "transborder groundwater**
 15 **resources" refers to the groundwater resources that underlie**



1 southern Indiana and northern Kentucky. The term includes the
 2 Silurian-Devonian, Mississippian, and Pennsylvanian aquifers
 3 underlying southern Indiana and northern Kentucky.

4 **Sec. 5. The Indiana-Kentucky transborder groundwater**
 5 **authority is established.**

6 **Sec. 6. (a) This section applies to a county that:**

7 (1) borders the Ohio River; or

8 (2) borders another Indiana county that borders the Ohio
 9 River.

10 (b) The executive of a county described in subsection (a) may
 11 elect to participate in the authority by designating the county as a
 12 participating county.

13 (c) The executive of a participating county may at any time
 14 revoke the designation of the county under subsection (b) and
 15 withdraw from the authority.

16 **Sec. 7. (a) The authority consists of the following individuals:**

17 (1) From each participating county:

18 (A) the executive of each second class city located in the
 19 participating county, or the executive's designee; or

20 (B) if a participating county does not have a second class
 21 city:

22 (i) the executive of the municipality having the largest
 23 population of any municipality in the participating
 24 county; or

25 (ii) the designee of the executive described in item (i).

26 (2) A member of the county executive of each participating
 27 county, selected by the county executive, or an individual
 28 designated by the county executive as its designee.

29 (3) The county health officer of each participating county, or
 30 the county health officer's designee.

31 (4) An individual who:

32 (A) is a member of the board of supervisors of the soil and
 33 water conservation district of a participating county; and

34 (B) is appointed by the governor.

35 (5) The director, or the director's designee.

36 (b) The term of office of an authority member who is:

37 (1) the executive of a municipality; or

38 (2) a member of the county executive;

39 continues until the member's successor as executive of the
 40 municipality or member of the county executive is elected and
 41 certified.

42 (c) The term of office of a member appointed to the authority



1 under subsection (a)(4) is three (3) years.

2 **Sec. 8. The members of the authority serve without**
 3 **compensation. However, each member is entitled to reimbursement**
 4 **for travel, lodging, meals, and other expenses actually incurred in**
 5 **connection with the member's duties as provided in the state travel**
 6 **policies and procedures established by the Indiana department of**
 7 **administration and approved by the budget agency.**

8 **Sec. 9. (a) The authority shall elect from among the members**
 9 **the following officers:**

- 10 (1) A chairperson.
 11 (2) A vice chairperson.
 12 (3) A secretary.
 13 (4) A treasurer.

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

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

19 **Sec. 10. (a) The authority may establish an executive board**
 20 **consisting of the following:**

- 21 (1) The chairperson of the authority.
 22 (2) One (1) authority member from each participating county
 23 that is not represented by the chairperson, to be chosen in a
 24 manner prescribed by the authority.

25 (b) The authority may delegate to the executive board the power
 26 to do the following:

- 27 (1) Recommend agenda items and activities to the authority.
 28 (2) Conduct hearings on proposed authority projects.
 29 (3) Perform other administrative duties assigned by the
 30 authority.

31 **Sec. 11. The authority may establish one (1) or more advisory**
 32 **committees to assist the authority. Individuals who are not**
 33 **members of the authority may be appointed by the authority as**
 34 **members of an advisory committee. A member of an advisory**
 35 **committee is not entitled to:**

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

39 **Sec. 12. (a) The authority shall:**

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

42 (b) A special meeting of the authority may be called in a manner



1 established by the authority.

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

4 Sec. 13. (a) A majority of all the members of the authority
5 constitutes a quorum.

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

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

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

13 (e) The authority may sue and be sued.

14 Sec. 14. The authority shall do the following:

15 (1) Study the subject of ownership rights in the groundwater
16 resources shared by Indiana and Kentucky.

17 (2) Explore the desirability of entering into an interstate
18 compact with Kentucky concerning the mutually fair and
19 prudent use of the transborder groundwater resources.

20 (3) Make recommendations concerning the content of an
21 interstate compact described in subdivision (2).

22 Sec. 15. The authority may do the following:

23 (1) Provide a forum for the discussion, study, and evaluation
24 of issues concerning transborder groundwater resources.

25 (2) Facilitate and foster cooperative planning and coordinated
26 management of transborder groundwater resources.

27 (3) Develop positions on major water resource issues and
28 serve as an advocate of the participating counties' interests
29 before Congress and federal, state, and local governmental
30 agencies.

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

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

35 (A) political subdivisions in the participating counties; and

36 (B) other public and private agencies.

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

40 Sec. 16. The authority may invite the governor, government
41 officials, or other individuals from Kentucky to do the following:

42 (1) Attend the authority's meetings.



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

2 **Sec. 17. (a) The authority may receive grants and**
3 **appropriations from the following:**

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

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

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

10 **Sec. 18. The authority shall do the following:**

11 (1) Prepare and adopt an annual budget.

12 (2) Submit the budget to the executive of each participating
13 county.

14 (3) Make the budget available to each agency appropriating
15 money to the authority.

16 **Sec. 19. (a) The participating counties may budget, appropriate,**
17 **and disburse money to the authority for purposes of carrying out**
18 **the authority's purposes under this chapter.**

19 **(b) The appropriation from participating counties that is needed**
20 **for all or part of the authority's budget shall be apportioned among**
21 **the participating counties in direct relationship to the area of each**
22 **participating county compared to the area of all participating**
23 **counties.**

24 **(c) The appropriation due from each participating county**
25 **according to the apportionment calculated under subsection (b)**
26 **shall be presented to the county executive of each participating**
27 **county at the same time that budgets are presented by county**
28 **officers.**

29 **Sec. 20. (a) The authority may make expenditures only as**
30 **budgeted. However, the authority may revise the budget at any**
31 **time to authorize unbudgeted expenditures.**

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

37 **(c) The authority is responsible for the safekeeping and deposit**
38 **of money the authority receives under this chapter. The state board**
39 **of accounts shall:**

40 (1) prescribe the methods and forms for keeping; and

41 (2) periodically audit;

42 the accounts, records, and books of the authority.



1 **(d) The treasurer of the authority may receive, disburse, and**
2 **handle money belonging to the authority, subject to the following:**
3 **(1) Applicable statutes.**
4 **(2) Procedures established by the authority.**
5 **Sec. 21. The authority shall make an annual report of the**
6 **authority's activities to the executive of each participating county.**
7 **Upon request, the authority shall make an annual report:**
8 **(1) to the governor; and**
9 **(2) to the general assembly in an electronic format under**
10 **IC 5-14-6.**
11 **Sec. 22. This chapter expires July 1, 2020.**

