

IC 14-25-13

Chapter 13. Great Lakes Basin Compact

IC 14-25-13-1

"Basin" defined

Sec. 1. As used in this chapter, "Basin" refers to the Great Lakes Basin.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-2

"Commission" defined

Sec. 2. As used in this chapter, "Commission" refers to the Great Lakes Commission.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-3

"State" defined

Sec. 3. As used in this chapter, "state" includes a province of Canada.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-4

Great Lakes Basin Compact

Sec. 4. The Great Lakes Basin Compact is ratified, enacted into law, and entered into by Indiana as a party thereto with any other state or province which, pursuant to Article 2 of the compact, has legally joined therein in the form substantially as follows:

Article 1.

The purposes of this compact are, through means of joint or cooperative action, the following:

- (1) To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin.
- (2) To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.
- (3) To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.
- (4) To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.
- (5) To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively.

Article 2.

(a) This compact shall enter into force and become effective and binding when the compact has been enacted by the legislatures of any

four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of the states when enacted by the legislature of the other state.

(b) The Province of Ontario and the Province of Quebec, or either of them, may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto.

Article 3.

The Great Lakes Commission created by Article 4 of this compact shall exercise the Commission's powers and perform the Commission's functions in respect to the Basin which, for the purposes of this compact, shall consist of so much of the following as may be within the party states:

(1) Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or man-made water interconnections between or among them.

(2) All rivers, ponds, lakes, streams, and other watercourses which, in their natural state or in their prevailing condition, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of the lakes.

Article 4.

(a) There is created an agency of the party states to be known as The Great Lakes Commission. In that name the Commission may sue and be sued and acquire, hold, and convey real and personal property and any interest therein. The Commission shall have a seal with the words "The Great Lakes Commission" and such other design as the Commission may prescribe engraved thereon by which the Commission shall authenticate the Commission's proceedings. Transactions involving real or personal property shall conform to the laws of the state in which the property is located, and the Commission may by bylaws provide for the execution and acknowledgment of all instruments in the Commission's behalf.

(b) The Commission shall be composed of not less than three (3) commissioners nor more than five (5) commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serving and subject to removal in accordance with such law.

(c) Each state delegation shall be entitled to three (3) votes in the Commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. Actions of the Commission shall be by a majority of the votes cast, except that any recommendations made pursuant to Article 6 of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.

(d) The commissioners of any two (2) or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an

action of the Commission unless and until the Commission shall specifically approve the action.

(e) In the absence of any commissioner, the commissioner's vote may be cast by another representative or commissioner of the commissioner's state provided that the commissioner or other representative casting the vote shall have a written proxy in proper form as may be required by the Commission.

(f) The Commission shall elect annually from among the Commission's members a chairman and vice chairman. The Commission shall appoint an Executive Director who shall also act as secretary-treasurer and who shall be bonded in such amount as the Commission may require. The Executive Director shall serve at the pleasure of the Commission and at such compensation and under such terms and conditions as may be fixed by the Commission. The Executive Director shall be custodian of the records of the Commission with authority to affix the Commission's official seal and to attest to and certify such records or copies of the Commission.

(g) The Executive Director, subject to the approval of the Commission in such cases as the Commission's bylaws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions. Subject to the approval, the Executive Director may fix the compensation, define the duties, and require bonds of such of the personnel as the Commission may designate.

(h) The Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may do the following:

(1) Borrow, accept, or contract for the services of personnel from:

(A) any state or government or any subdivision or agency of a state or government;

(B) any intergovernmental agency; or

(C) any institution, person, firm, limited liability company, or corporation.

(2) Accept, receive, and utilize for any of the Commission's purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency of a state or government or intergovernmental agency or from any institution, person, firm, limited liability company, or corporation.

(i) The Commission may establish and maintain one (1) or more offices for the transacting of the Commission's business and for such purposes the Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may acquire, hold, and dispose of real and personal property necessary to the performance of the Commission's functions.

(j) No tax levied or imposed by any party state or any political subdivisions of a party state shall be deemed to apply to property, transactions, or income of the Commission.

(k) The Commission may adopt, amend, and rescind bylaws, rules,

and regulations for the conduct of the Commission's business and may adopt an official seal.

(l) The organization meeting of the Commission shall be held within six months from the effective date of this compact.

(m) The Commission and the Executive Director shall make available to the party states any information within the Commission's possession and shall always provide free access to the Commission's records by duly authorized representatives of such party states.

(n) The Commission shall keep a written record of the Commission's meetings and proceedings and shall annually make a report of the meetings and proceedings to be submitted to the duly designated official of each party state.

(o) The Commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the Commission for the preceding year and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as the Commission may deem desirable.

Article 5.

(a) The members of the Commission shall serve without compensation, but the expenses of each commissioner shall be met by the state which the Commissioner represents in accordance with the law of that state. All other expenses incurred by the Commission in the course of exercising the powers conferred upon the Commission by this compact, unless met in some other manner specifically provided by this compact, shall be paid by the Commission out of the Commission's own funds.

(b) The Commission shall submit to the executive head or designated officer of each party state a budget of the Commission's estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature of the state.

(c) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Detailed Commission budgets shall be recommended by a majority of the votes cast, and the costs shall be allocated equitably among the party states in accordance with the respective interests of the party states.

(d) The Commission shall not pledge the credit of any party state. The Commission may meet any of the Commission's obligations in whole or in part with funds available to the Commission under Article 4(h) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the Commission makes use of funds available to the Commission under Article 4(h) of this compact, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

(e) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures

established under the bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

(f) The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative, or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the Commission.

Article 6.

The Commission shall have power to do the following:

(1) Collect, correlate, interpret, and report on data relating to the water resources and the use of the water resources in the Basin or any portion of the Basin.

(2) Recommend methods for the orderly, efficient, and balanced development, use, and conservation of the water resources of the Basin or any portion of the Basin to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion of the Basin.

(3) Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion of the Basin.

(4) Consider means of improving navigation and port facilities in the Basin or any portion of the Basin.

(5) Consider means of improving and maintaining the fisheries of the Basin or any portion of the Basin.

(6) Recommend policies relating to water resources, including the institution and alteration of flood plain and other zoning laws, ordinances, and regulations.

(7) Recommend uniform or other laws, ordinances, or regulations relating to the development, use, and conservation of the Basin's water resources to the party states or any of the party states and to other governments, political subdivisions, agencies, or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion of the Basin.

(8) Consider and recommend amendments or agreements supplementary to this compact to the party states or any of the party states and assist in the formulation and drafting of such amendments or supplementary agreements.

(9) Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sale prices for the reports, bulletins, and publications.

(10) With respect to the water resources of the Basin or any portion of the Basin, recommend agreements between the governments of the United States and Canada.

(11) Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada, including but not limited to such agreements and mutual arrangements as are provided for by

Article 13 of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series, No. 548).

(12) Cooperate with the governments of the United States, Canada, and the party states and any public or private agencies or bodies having interest in or jurisdiction sufficient to affect the Basin or any portion of the Basin.

(13) At the request of the United States, or in the event that a Province shall be a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement between the United States and Canada with reference to the Basin or any portion of the Basin.

(14) Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the Commission by this compact, provided that no action of the Commission shall have the force of law in or be binding upon any party state.

Article 7.

Each party state agrees to consider the action the Commission recommends in respect to the following:

- (1) Stabilization of lake levels.
- (2) Measures for combating pollution, beach erosion, floods, and short inundation.
- (3) Uniformity in navigation regulations within the constitutional powers of the states.
- (4) Proposed navigation aids and improvements.
- (5) Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wildlife, and other water resources.
- (6) Suitable hydroelectric power developments.
- (7) Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.
- (8) Diversion of waters from and into the Basin.
- (9) Other measures the Commission may recommend to the state pursuant to Article 6 of this compact.

Article 8.

This compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as the state may choose and as may be valid and effective to repeal a statute of the state, provided that such renunciation shall not become effective until six (6) months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

Article 9.

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes of this compact. The provisions of this compact shall be severable. If:

- (1) any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or

of the United States, or in the case of a Province, to the British North American Act of 1867 as amended; or

(2) the applicability of this compact to any state, agency, person, or circumstance is held invalid;

the constitutionality of the remainder of this compact and the applicability of this compact to any state, agency, person, or circumstance shall not be affected.

(b) If this compact shall be held contrary to the constitution of the United States, or in the case of a Province, to the British North American Act of 1867, as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-5

Commissioners

Sec. 5. In pursuance of Article 4 of the compact, there are five (5) commissioners on the Commission from Indiana. Each commissioner has all the powers conferred on a commissioner by the compact or which are necessary or incidental to the performance of the commissioner's functions as such a commissioner. The governor shall appoint the members of the Commission for terms of four (4) years. The governor shall fill by appointment any vacancies occurring in the office of a commissioner for any reason or cause for the unexpired term.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-6

Duties of state officers, bureaus, and departments

Sec. 6. (a) All officers of this state shall do all things falling within the respective jurisdiction of the officers necessary to or incidental to the carrying out of the compact in every particular because it is the policy of Indiana to perform and carry out the compact and to accomplish the purposes of the compact.

(b) All officers, bureaus, departments, and persons of and in the state government or administration of this state shall, at reasonable times and upon request of the Commission, do the following:

(1) Furnish the Commission with information and data possessed by all or any of the officers, bureaus, departments, and persons.

(2) Aid the Commission by loan of personnel or other means lying within the legal powers of the officers, bureaus, departments, and persons.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-7

Submission of budget

Sec. 7. The budget of the estimated expenditures of the Commission shall be submitted to the budget committee for the period and in the form that is required by the committee.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-8

Governor to transmit copies to parties

Sec. 8. The governor shall transmit an authenticated copy of this chapter and the compact contained in this chapter to each jurisdiction party to the compact.

As added by P.L.1-1995, SEC.18.

IC 14-25-13-9

Administrative duties; rights and obligations not affected

Sec. 9. (a) The department of natural resources shall provide administrative and staff services for the commissioners from Indiana on the Commission as provided by this chapter.

(b) The deputy director for the bureau of water and resource regulation shall, without additional compensation, serve as technical secretary to the Commission in Indiana. The deputy director shall handle the correspondence, make or arrange for the investigations and surveys, and obtain, assemble, or prepare the reports and data that the commissioners direct and authorize.

(c) This section does not do any of the following:

(1) Alter or affect the obligations of all officers of this state under section 6 of this chapter.

(2) Alter the manner in which the commissioners from Indiana on the Commission are appointed.

(3) Alter any of the jurisdiction, authority, rights, powers, property, duties, responsibilities, causes of action, or defense vested on June 30, 1965, in or required of the following:

(A) The Commission.

(B) The commissioners from Indiana on the Commission.

As added by P.L.1-1995, SEC.18. Amended by P.L.1-2006, SEC.217.