

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 490 be amended to read as follows:

- 1 Page 6, between lines 12 and 13, begin a new paragraph and insert:  
2 "SECTION 3. IC 8-1-33 IS ADDED TO THE INDIANA CODE AS  
3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4 FEBRUARY 15, 2000 (RETROACTIVE)]:  
5 **Chapter 33. Merchant Power Plants**  
6 **Sec. 1. The definitions in IC 8-1-2-1 apply throughout this**  
7 **chapter.**  
8 **Sec. 2. As used in this chapter, "merchant power plant" means**  
9 **a generating facility that produces electricity to be sold solely or**  
10 **primarily to the wholesale electricity market.**  
11 **Sec. 3. A merchant power plant may not be constructed or**  
12 **operated in Indiana unless one (1) of the following applies:**  
13 **(1) The commission approved construction and operation of**  
14 **the merchant power plant before February 15, 2000.**  
15 **(2) The commission approves construction and operation of**  
16 **the merchant power plant after April 30, 2001."**  
17 Page 6, after line 23, begin a new paragraph and insert:  
18 "SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this  
19 SECTION, "committee" refers to the regulatory flexibility  
20 committee established by IC 8-1-2.6-4.  
21 (b) As used in this SECTION, "merchant power plant" has the  
22 meaning set forth in IC 8-1-33-2, as added by this act.  
23 (c) The committee shall study the following issues related to  
24 merchant power plants:

- 1           **(1) Local zoning.**
- 2           **(2) Regulation by the Indiana utility regulatory commission**
- 3           **and other state agencies, including certificates of need.**
- 4           **(3) Public input into siting of merchant power plants.**
- 5           **(4) Environmental impact issues.**
- 6           **(5) Tax abatement and other tax issues.**
- 7           **(6) The need for additional electrical capacity.**
- 8           **(7) How the establishment of merchant power plants affects**
- 9           **utility rates.**
- 10          **(8) How the establishment of merchant power plants affects**
- 11          **community cohesion and quality of life.**
- 12          **(9) Any public health issues or concerns resulting from the**
- 13          **establishment of merchant power plants.**
- 14          **(10) Any other issues the committee considers relevant to the**
- 15          **establishment of merchant power plants.**
- 16          **(d) The committee shall issue a final report containing its**
- 17          **findings or recommendations to the legislative council not later**
- 18          **than December 31, 2000.**
- 19          **(e) This section expires January 1, 2001.**
- 20          **SECTION 6. An emergency is declared for this act."**
- 21          Renumber all SECTIONS consecutively.
- (Reference is to ESB 490 as printed February 18, 2000.)

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Representative Munson