



Reprinted
March 21, 2007

ENGROSSED
SENATE BILL No. 312

DIGEST OF SB 312 (Updated March 20, 2007 2:18 pm - DI 51)

Citations Affected: IC 8-1; IC 14-33.

Synopsis: Conservancy districts. Provides that the statute allowing local water corporations to withdraw from the jurisdiction of the utility regulatory commission (IURC) for certain purposes applies to a conservancy district that: (1) has as a purpose of the district the provision of water service; and (2) provides water service to less than 2,000 customers. (Currently the statute applies only to a water or sewer utility that: (1) is privately owned and serves less than 300 customers; (2) is a not-for-profit utility; or (3) is a cooperative corporation exempt from state and federal income taxes.) Sets the maximum per diem compensation for conservancy district board members at \$100 for up to two meetings per month and \$50 for up to five additional work days per month.

Effective: July 1, 2007.

Hershman, Mishler
(HOUSE SPONSORS — KLINKER, BROWN T)

January 11, 2007, read first time and referred to Committee on Utilities & Regulatory Affairs.
January 29, 2007, reported favorably — Do Pass.
February 6, 2007, read second time, ordered engrossed.
February 7, 2007, engrossed.
February 12, 2007, read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
March 6, 2007, read first time and referred to Committee on Commerce, Energy and Utilities.
March 15, 2007, reported — Do Pass.
March 20, 2007, read second time, amended, ordered engrossed.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 312

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

1 SECTION 1. IC 8-1-2.7-1.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.3. (a) This chapter
3 applies to the following:

- 4 (1) A public utility established to provide water service that is:
5 (A) privately owned and serves less than three hundred (300)
6 customers;
7 (B) a not-for-profit utility (as defined by IC 8-1-2-125(a)); ~~or~~
8 (C) a cooperative corporation exempt from state and federal
9 income taxation; ~~or~~
10 **(D) a conservancy district established under IC 14-33-2**
11 **that:**
12 **(i) has as a purpose of the district the provision of a**
13 **water supply, including the treatment and distribution of**
14 **water, for domestic, industrial, and public use; and**
15 **(ii) provides water service to less than two thousand**
16 **(2,000) customers.**
- 17 (2) A public utility established to provide sewage disposal service

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1 (as defined in IC 8-1-2-89(a)(1)) that holds a certificate of
 2 territorial authority as required by IC 8-1-2-89, and that is:
 3 (A) privately owned and serves less than three hundred (300)
 4 customers;
 5 (B) a not-for-profit utility (as defined in IC 8-1-2-125(a)); or
 6 (C) a cooperative corporation exempt from state and federal
 7 income taxation.
 8 (3) Except as provided in subsection (b), a legal entity providing
 9 only sewage treatment service to a not-for-profit sewage disposal
 10 company.

11 (b) Subsection (a)(3) does not include a sewage treatment provider
 12 that is otherwise subject to the commission's jurisdiction.

13 SECTION 2. IC 14-33-5-16 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. As compensation
 15 the directors are entitled to an amount that the court orders, but not to
 16 exceed:

- 17 **(1) one hundred dollars (\$100) for not more than two (2)**
- 18 **regular or specially called board meetings per month; and**
- 19 **(2) fifty dollars (\$50) for each not more than five (5) days per**
- 20 **month devoted to the work of the district in addition to any day**
- 21 **for which payment is received under subdivision (1).**

22 In addition, the directors shall be reimbursed for actual expenses,
 23 including traveling expense at a rate equal to the rate paid to state
 24 officers and employees. Claims for expense reimbursement must be
 25 accompanied by an itemized written statement approved by a recorded
 26 motion of the board.

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SENATE MOTION

Madam President: I move that Senator Mishler be added as second author of Senate Bill 312.

HERSHMAN

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill No. 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 312 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CROOKS, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 312 be amended to read as follows:

Page 2, after line 12, begin a new paragraph and insert:

"SECTION 2. IC 14-33-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. As compensation the directors are entitled to an amount that the court orders, but not to exceed:

(1) one hundred dollars (\$100) for not more than two (2)

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regular or specially called board meetings per month; and (2) fifty dollars (\$50) for each not more than five (5) days per month devoted to the work of the district in addition to any day for which payment is received under subdivision (1).

In addition, the directors shall be reimbursed for actual expenses, including traveling expense at a rate equal to the rate paid to state officers and employees. Claims for expense reimbursement must be accompanied by an itemized written statement approved by a recorded motion of the board."

(Reference is to ESB 312 as printed March 16, 2007.)

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