

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7598

BILL NUMBER: SB 487

NOTE PREPARED: Feb 18, 2009

BILL AMENDED: Feb 17, 2009

SUBJECT: Underground Plant Protection.

FIRST AUTHOR: Sen. Charbonneau

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires the operator of an underground facility to join the Indiana Underground Plant Protection Service (IUPPS) or its successor organization. It imposes a civil penalty if an operator fails to maintain IUPPS membership. It requires an operator to provide information concerning the locations of its underground facilities to the IUPPS.

The bill establishes the Underground Plant Protection Advisory Committee. It authorizes the Advisory Committee to conduct hearings on certain violations of underground plant protection law and recommend penalties to the Indiana Utility Regulatory Commission (IURC). This bill establishes the Underground Plant Protection Account to receive deposits of civil penalties. It deletes obsolete provisions requiring operators to record underground facility locations with county recorders. It makes conforming amendments. It also repeals an obsolete provision concerning the responsibilities of IUPPS.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *IURC:* This bill could increase administrative expenditures for the IURC. The bill requires the IURC to administer the Underground Plant Protection (UPP) account established in the bill. Any increase would be offset by the required reimbursement from the UPP account.

(Revised) *Underground Plant Protection Advisory Committee:* This bill establishes the UPP Advisory Committee consisting of nine members appointed by the Governor. The bill authorizes the Committee to conduct hearings and recommend to the IURC civil penalties for certain violations of underground plant protection law. The bill also requires the committee to develop and implement education and training programs for individuals who violate the provisions of the bill. The members are not entitled to a salary or per diem. There would be no impact on state expenditures.

Explanation of State Revenues: *UPP Account:* This bill establishes the UPP account to collect fines for certain violations outlined in the bill. The bill provides that fines could range up to \$10,000 depending on the type of violation. The bill provides that money in the UPP account shall be used for the following purposes:

1. Public awareness programs concerning underground plant protection.
2. Training and educational programs for contractors, excavators, locators, operators, and other persons involved in underground plant protection.
3. Incentive programs for contractors, excavators, locators, operators, and other persons involved in underground plant protection to reduce the number of violations.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: IURC.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Diana Agidi, 317-232-9867.