

February 11, 1998

**ENGROSSED
HOUSE BILL No. 1202**

DIGEST OF HB 1202 (Updated February 9, 1998 11:58 am - DI 88)

Citations Affected: IC 8-1.

Synopsis: Rural electric community development services. Adds the rendering of community development services to the definition of "services" for the purposes of the rural electric membership act.

Effective: July 1, 1998.

Linder, Crosby

(SENATE SPONSORS — WHEELER, LEWIS)

January 8, 1998, read first time and referred to Committee on Commerce and Economic Development.

January 28, 1998, amended, reported — Do Pass.

February 2, 1998, read second time, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 9, 1998, read first time and referred to Committee on Planning and Public Services.

February 10, 1998, reported favorably — Do Pass.

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EH 1202—LS 6683/DI 93+



February 11, 1998

Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED HOUSE BILL No. 1202



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 8-1-13-3, AS AMENDED BY P.L.109-1995,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 1998]: Sec. 3. The following terms whenever used or referred
- 4 to in this chapter have the following meanings, unless a different
- 5 meaning clearly appears from the context:
- 6 (a) "Corporation" means a corporation formed under this chapter.
- 7 (b) "Municipality" means any county, city, or town of this state.
- 8 (c) "Person" or "inhabitant" means natural persons, firms,
- 9 associations, corporations, limited liability companies, business trusts,
- 10 partnerships, and bodies politic.
- 11 (d) "Energy" means all electric energy no matter how generated or
- 12 produced.
- 13 (e) "System" means any plant, works, system, facilities, or
- 14 properties, together with all parts thereof and appurtenances thereto,
- 15 used or useful in the furnishing of services.
- 16 (f) "Obligations" means negotiable bonds, interim certificates or
- 17 receipts, notes, debentures, and all other evidences of indebtedness,

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1 either issued or the payment thereof assumed by the corporation.

2 (g) "Law" means any law of this state.

3 (h) "Federal agency" means the United States of America, the
4 President of the United States of America, the federal emergency
5 administrator of public works and any other authority, agency, or
6 instrumentality of the United States of America, heretofore or hereafter
7 created.

8 (i) "Acquire" means construction, obtaining by purchase, lease,
9 devise, or gift, the exercise of the right of eminent domain in the
10 manner provided by law for the exercise thereof, or other mode of
11 acquisition.

12 (j) "Improve" means to construct, reconstruct, improve, extend,
13 enlarge, alter, better, or repair.

14 (k) "Board" means board of directors of a corporation formed under
15 this chapter.

16 (l) "Member" means each person signing the articles of
17 incorporation of a corporation and each person admitted to membership
18 therein pursuant to law or the corporation's bylaws.

19 (m) "Service" or "services" means the furnishing of energy or other
20 utility services incidental to development, operation, or maintenance
21 of utility infrastructure and the rendering of related engineering,
22 financial, accounting, economic, **or community** development, or
23 educational services assisting in the establishment and maintenance of
24 better communication between corporations and their members, or any
25 of the same.

26 (n) As used in this chapter, the word "territory" when modified by
27 the phrase "already being served with energy by any public or
28 municipally owned utility" shall not be construed to include territory
29 served by an electric distribution line or lines:

30 (1) acquired prior to March 1, 1980, from a public or municipally
31 owned utility by a corporation formed or admitted to do business
32 in this state under this chapter; or

33 (2) acquired on or after March 1, 1980, from a public or
34 municipally owned utility by such a corporation;

35 if the Indiana utility regulatory commission, after public hearing, finds
36 that public convenience and necessity would be best served by, and
37 authorizes, such acquisition, and if the electric distribution line or lines,
38 together with all other facilities proposed to be purchased, have a
39 reproduction cost new, less depreciation, of not more than three
40 hundred thousand dollars (\$300,000) and are not located in whole or
41 in part in any city or town having a population in excess of one
42 thousand five hundred (1,500); however, the dollar and population



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- 1 limitations do not apply if the acquisition is agreed to in all respects by
- 2 all affected electricity suppliers and is approved by the commission.
- 3 (o) As used in this chapter, "commission" refers to the Indiana
- 4 utility regulatory commission.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1202 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 14, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Planning and Public Services, to which was referred House Bill 1202, 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 House Bill 1202 as printed January 29, 1998.)

JOHNSON, Chairperson

Committee Vote: Yeas 7, Nays 0.

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