

Adopted Rejected

COMMITTEE REPORT

YES: 14
NO: 0

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:*

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 8-1-13-3, AS AMENDED BY P.L.109-1995,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 3. The following terms whenever used or referred
- 6 to in this chapter have the following meanings, unless a different
- 7 meaning clearly appears from the context:
- 8 (a) "Corporation" means a corporation formed under this chapter.
- 9 (b) "Municipality" means any county, city, or town of this state.
- 10 (c) "Person" or "inhabitant" means natural persons, firms,
- 11 associations, corporations, limited liability companies, business trusts,
- 12 partnerships, and bodies politic.
- 13 (d) "Energy" means all electric energy no matter how generated or
- 14 produced.

1 (e) "System" means any plant, works, system, facilities, or
2 properties, together with all parts thereof and appurtenances thereto,
3 used or useful in the furnishing of services.

4 (f) "Obligations" means negotiable bonds, interim certificates or
5 receipts, notes, debentures, and all other evidences of indebtedness,
6 either issued or the payment thereof assumed by the corporation.

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

8 (h) "Federal agency" means the United States of America, the
9 President of the United States of America, the federal emergency
10 administrator of public works and any other authority, agency, or
11 instrumentality of the United States of America, heretofore or hereafter
12 created.

13 (i) "Acquire" means construction, obtaining by purchase, lease,
14 devise, or gift, the exercise of the right of eminent domain in the
15 manner provided by law for the exercise thereof, or other mode of
16 acquisition.

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

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

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

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

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

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

38 (2) acquired on or after March 1, 1980, from a public or

1 municipally owned utility by such a corporation;
2 if the Indiana utility regulatory commission, after public hearing, finds
3 that public convenience and necessity would be best served by, and
4 authorizes, such acquisition, and if the electric distribution line or lines,
5 together with all other facilities proposed to be purchased, have a
6 reproduction cost new, less depreciation, of not more than three
7 hundred thousand dollars (\$300,000) and are not located in whole or
8 in part in any city or town having a population in excess of one
9 thousand five hundred (1,500); however, the dollar and population
10 limitations do not apply if the acquisition is agreed to in all respects by
11 all affected electricity suppliers and is approved by the commission.

12 (o) As used in this chapter, "commission" refers to the Indiana
13 utility regulatory commission.

(Reference is to HB 1202 as introduced.)

and when so amended that said bill do pass.

Representative Bottorff