

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1687 be amended to read as follows:

- 1 Page 2, after line 14, begin a new paragraph and insert:
- 2 "SECTION 3. IC 13-18-16-16 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
- 4 Sec. 16. (a) A nonprofit water utility may adopt a resolution approved
- 5 by its board of directors under this section that reconstitutes the
- 6 nonprofit water utility as a water authority to be named as provided in
- 7 the resolution.
- 8 (b) A resolution adopted under this section must allow:
- 9 (1) the structure of the board of directors; and
- 10 (2) the rules governing the water authority;
- 11 to remain the same as those applicable to the nonprofit water utility.
- 12 (c) The water authority shall retain all its powers, **privileges, rights,**
- 13 **and exemptions** as a nonprofit water utility under:
- 14 (1) its existing bylaws and articles; and
- 15 (2) all laws applicable to nonprofit water utilities and local water
- 16 corporations, **including powers granted under IC 32-11-3-1.**
- 17 (d) A water authority constituted under this section is a political
- 18 subdivision of the state.
- 19 (e) A copy of a resolution adopted under this section must be filed
- 20 with the secretary of state. When the secretary of state receives a copy
- 21 of a resolution under this subsection, the secretary of state shall
- 22 dissolve the corporate status of the nonprofit water utility for purposes
- 23 of state law.
- 24 (f) A water authority constituted under this section shall:

1           (1) remain obligated under any existing contracts or agreements;  
2           and  
3           (2) remain obligated and assume the indebtedness;  
4 of the nonprofit water utility.  
5           **(g) Notwithstanding any other law and subject to subsection (h),**  
6 **a water authority constituted under this section is subject only to**  
7 **the laws applicable to nonprofit water utilities and local water**  
8 **corporations.**  
9           **(h) A water authority constituted under this section is subject to**  
10 **IC 8-1.5-3-8 for purposes of setting rates and charges.**  
11           **SECTION 4. An emergency is declared for this act."**  
              (Reference is to HB 1687 as printed February 3, 1999.)

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Representative Sturtz