



Reprinted
April 14, 2011

ENGROSSED SENATE BILL No. 66

DIGEST OF SB 66 (Updated April 13, 2011 7:40 pm - DI 101)

Citations Affected: IC 8-1.

Synopsis: Utility matters. Provides that the following qualify as a renewable energy resources for purposes of the statute that provides financial incentives for clean coal and energy projects: (1) Low temperature, oxygen starved gasification of municipal solid waste. (2) Methane recovered from landfills for the production of electricity. (3) Coal bed methane derived from a naturally occurring biogenic process.

Effective: July 1, 2011.

**Gard, Charbonneau, Buck, Paul,
Tallian**

(HOUSE SPONSORS — WOLKINS, KOCH)

January 5, 2011, read first time and referred to Committee on Energy and Environmental Affairs.
January 20, 2011, amended, reported favorably — Do Pass.
January 24, 2011, read second time, ordered engrossed.
February 25, 2011, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Utilities and Energy.
April 5, 2011, amended, reported — Do Pass.
April 12, 2011, read second time, amended, ordered engrossed.
April 13, 2011, engrossed. Read third time, recommitted to Committee of One, amended; passed. Yeas 72, nays 24.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 66

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

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

- 1 SECTION 1. IC 8-1-8.8-10, AS AMENDED BY P.L.95-2010,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 10. (a) As used in this chapter "renewable energy
4 resources" means alternative sources of renewable energy, including
5 the following:
6 (1) Energy from wind.
7 (2) Solar energy.
8 (3) Photovoltaic cells and panels.
9 (4) Dedicated crops grown for energy production.
10 (5) Organic waste biomass, including any of the following organic
11 matter that is available on a renewable basis:
12 (A) Agricultural crops.
13 (B) Agricultural wastes and residues.
14 (C) Wood and wood wastes, including the following:
15 (i) Wood residues.
16 (ii) Forest thinnings.
17 (iii) Mill residue wood.

ES 66—LS 6091/DI 52+



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- 1 (D) Animal wastes.
- 2 (E) Animal byproducts.
- 3 (F) Aquatic plants.
- 4 (G) Algae.
- 5 (6) Hydropower from existing dams.
- 6 (7) Fuel cells.
- 7 (8) Energy from waste to energy facilities.
- 8 (9) Energy storage systems.
- 9 **(10) Low temperature, oxygen starved gasification of**
- 10 **municipal solid waste.**
- 11 **(11) Methane recovered from landfills for the production of**
- 12 **electricity.**
- 13 **(12) Coal bed methane derived from a naturally occurring**
- 14 **biogenic process.**
- 15 (b) Except for energy described in ~~subsection~~ **subsections** (a)(8)
- 16 **and (a)(10)**, the term does not include energy from the incinerations,
- 17 burning, or heating of any of the following:
- 18 (1) Tires.
- 19 (2) General household, institutional, commercial, industrial
- 20 lunchroom, office, or landscape waste.
- 21 (c) The term excludes treated or painted lumber.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 66, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(11) Methane recovered from landfills for the production of electricity."

and when so amended that said bill do pass.

(Reference is to SB 66 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred Senate Bill 66, 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:

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"(12) Coal bed methane derived from a naturally occurring biogenic process."

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 8-1-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as provided in subsection (b), a public utility may, but is not required to, file a petition for a change in its DSIC not more often than one (1) time every ~~twelve (12)~~ **six (6)** months.

(b) Except as provided in section 15 of this chapter, a public utility may not file a petition for a change in its DSIC in the same calendar year in which the public utility has filed a request for a general increase in the basic rates and charges of the public utility.

SECTION 3. IC 8-1-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. The commission may not approve a DSIC to the extent it would produce total DSIC



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revenues exceeding ~~five~~ **seven and one-half** percent (~~5%~~) (**7.5%**) of the public utility's base revenue level approved by the commission in the public utility's most recent general rate proceeding.

SECTION 4. IC 8-1-31-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. The DSIC may be calculated based on a reasonable estimate of sales in the period in which the charge will be in effect. At the end of each twelve (12) month period ~~the charge is in effect;~~ **following the date on which the commission initially approves a DSIC for a public utility following the public utility's most recent general rate case,** and using procedures approved by the commission, the public utility shall reconcile the difference between DSIC revenues and DSIC costs during ~~that the twelve (12) month~~ period and recover or refund the difference, as appropriate, through adjustment of the charge."

and when so amended that said bill do pass.

(Reference is to SB 66 as printed January 21, 2011.)

LUTZ, Chair

Committee Vote: yeas 8, nays 2.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 66 be amended to read as follows:

Page 2, delete lines 31 through 42.

Delete page 3.

(Reference is to ESB 66 as printed April 5, 2011.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 66 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, delete lines 22 through 30.

(Reference is to ESB 66 as reprinted April 13, 2011.)

WOLKINS

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 66, begs leave to report that said bill has been amended as directed.

WOLKINS

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