
HOUSE BILL No. 1431

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-26-11; IC 14-33-5.

Synopsis: Campground utility rates. Provides that, after June 30, 2011, a campground that is billed a flat rate for sewage service may not: (1) elect to install a meter to measure sewage discharge for billing purposes; or (2) be billed based on residential equivalent units. Provides that after December 31, 2012, a campground may not file a dispute with the Indiana utility regulatory commission concerning metered or residential equivalent sewage billing. Makes conforming amendments.

Effective: July 1, 2011.

GiaQuinta

January 18, 2011, read first time and referred to Committee on Utilities and Energy.

C
o
p
y



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.

C
o
p
y

HOUSE BILL No. 1431



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

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

- 1 SECTION 1. IC 13-26-11-2, AS AMENDED BY P.L.189-2005,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 2. (a) Except as provided in subsection (b), the
- 4 rates or charges for a sewage works may be determined based on the
- 5 following:
- 6 (1) A flat charge for each connection.
- 7 (2) The amount of water used on the premises.
- 8 (3) The number and size of water outlets on the premises.
- 9 (4) The amount, strength, or character of sewage discharged into
- 10 the sewers.
- 11 (5) The size of sewer connections.
- 12 (6) Whether the property served has been or will be required to
- 13 pay separately for the cost of any of the facilities of the works.
- 14 (7) A combination of these or other factors that the board
- 15 determines is necessary to establish nondiscriminatory, just, and
- 16 equitable rates or charges.
- 17 (b) If a campground is billed for sewage service at a flat rate under



1 subsection (a), the campground may instead elect to be billed for the
 2 sewage service under this subsection by installing, at the campground's
 3 expense, a meter to measure the actual amount of sewage discharged
 4 by the campground into the sewers. If a campground elects to be billed
 5 by use of a meter:

6 (1) the rate charged by a board for the metered sewage service
 7 may not exceed the rate charged to residential customers for
 8 equivalent usage; and

9 (2) the amount charged by a board for the campground's monthly
 10 sewage service for the period beginning September 1 and ending
 11 May 31 must be equal to the greater of:

12 (A) the actual amount that would be charged for the sewage
 13 discharged during the month by the campground as measured
 14 by the meter; or

15 (B) the lowest monthly charge paid by the campground for
 16 sewage service during the previous period beginning June 1
 17 and ending August 31.

18 **A campground may not make an election under this subsection**
 19 **after June 30, 2011.**

20 (c) If a campground does not install a meter under subsection (b)
 21 and is billed for sewage service at a flat rate under subsection (a), **the**
 22 **following apply:**

23 **(1) For a calendar year beginning after December 31, 2004, and**
 24 **ending before January 1, 2012,** each campsite at the
 25 campground may not equal more than one-third (1/3) of one (1)
 26 resident equivalent unit. The basic monthly charge for the
 27 campground's sewage service must be equal to the number of the
 28 campground's resident equivalent units multiplied by the rate
 29 charged by the board for a resident unit.

30 **(2) For a calendar year beginning after December 31, 2011,**
 31 **the campground is billed for sewage service at a flat rate**
 32 **under subsection (a).**

33 (d) The board may impose additional charges on a campground
 34 under subsections (b) and ~~(c)~~ **(c)(1)** if the board incurs additional costs
 35 that are caused by any unique factors that apply to providing sewage
 36 service for the campground, including, but not limited to:

37 (1) the installation of:

38 (A) oversized pipe; or

39 (B) any other unique equipment;

40 necessary to provide sewage service for the campground; and

41 (2) concentrations of biochemical oxygen demand (BOD) that
 42 exceed federal pollutant standards.

C
O
P
Y



1 SECTION 2. IC 13-26-11-2.1, AS ADDED BY P.L.189-2005,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2.1. (a) As used in this section, "commission"
4 refers to the Indiana utility regulatory commission created by
5 IC 8-1-1-2.

6 (b) This section applies to an owner or operator of a campground
7 described in section 2(b) or ~~2(c)~~ **2(c)(1)** of this chapter who disputes:

8 (1) that the campground is being billed at rates charged to
9 residential customers for equivalent usage as required by section
10 2(b)(1) of this chapter;

11 (2) the number of resident equivalent units determined for the
12 campground under section ~~2(c)~~ **2(c)(1)** of this chapter; or

13 (3) that any additional charges imposed on the campground under
14 section 2(d) of this chapter are reasonable or nondiscriminatory.

15 (c) If an owner or operator:

16 (1) makes a good faith attempt to resolve a disputed matter
17 described in subsection (b)(1) through (b)(3) through:

18 (A) any grievance or complaint procedure prescribed by the
19 board; or

20 (B) other negotiations with the board; and

21 (2) is dissatisfied with the board's proposed disposition of the
22 matter;

23 the owner or operator may file with the commission a written request
24 for review of the disputed matter and the board's proposed disposition
25 of the matter to be conducted by the commission's appeals division
26 established under IC 8-1-2-34.5(b). The owner or operator must file a
27 request under this section with the commission and the board not later
28 than seven (7) days after receiving notice of the board's proposed
29 disposition of the matter. **The owner or operator may not file a**
30 **request under this section after December 31, 2012.**

31 (d) The commission's appeals division shall provide an informal
32 review of the disputed matter. The review must include a prompt and
33 thorough investigation of the dispute. Upon request by either party, or
34 on the division's own motion, the division shall require the parties to
35 attend a conference on the matter at a date, time, and place determined
36 by the division.

37 (e) In any case in which the basic monthly charge for a
38 campground's sewage service is in dispute, the owner or operator shall
39 pay, on any disputed bill issued while a review under this section is
40 pending, the basic monthly charge billed during the year immediately
41 preceding the year in which the first disputed bill is issued. If the basic
42 monthly charge paid while the review is pending exceeds any monthly

C
O
P
Y



1 charge determined by the commission in a decision issued under
2 subsection (f), the board shall refund or credit the excess amount paid
3 to the owner or operator. If the basic monthly charge paid while the
4 review is pending is less than any monthly charge determined by the
5 appeals division or commission in a decision issued under subsection
6 (f), the owner or operator shall pay the board the difference owed.

7 (f) After conducting the review required under subsection (d), the
8 appeals division shall issue a written decision resolving the disputed
9 matter. The division shall send a copy of the decision to:

- 10 (1) the owner or operator of the campground; and
- 11 (2) the board;

12 by United States mail. Not later than seven (7) days after receiving the
13 written decision of the appeals division, either party may make a
14 written request for the dispute to be formally docketed as a proceeding
15 before the commission. Subject to the right of either party to an appeal
16 under IC 8-1-3, the decision of the commission is final.

17 (g) The commission shall maintain a record of all requests for a
18 review made under this section. The record must include:

- 19 (1) a copy of the appeals division's and commission's decision
20 under subsection (f) for each dispute filed; and
- 21 (2) any other documents filed with the appeals division or
22 commission under this section.

23 The record must be made available for public inspection and copying
24 in the office of the commission during regular business hours under
25 IC 5-14-3.

26 (h) The right of a campground owner or operator to request a review
27 under this section is in addition to the right of the campground owner
28 or operator to file a petition under section 15 of this chapter as a
29 freeholder of the district.

30 (i) The commission may adopt rules under IC 4-22-2 to implement
31 this section.

32 **(j) This section expires July 1, 2014.**

33 SECTION 3. IC 14-33-5-21.1, AS ADDED BY P.L.168-2009,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 21.1. (a) This section applies to a campground
36 that:

- 37 (1) is connected with the sewage works of a district established
38 for the purpose described in IC 14-33-1-1(a)(5); or
- 39 (2) uses or is served by the sewage works of a district established
40 for the purpose described in IC 14-33-1-1(a)(5).

41 (b) Beginning September 1, 2009, **and ending July 31, 2011**, if a
42 campground is billed for sewage service at a flat rate under section

C
o
p
y



1 21(a)(1) of this chapter, the campground may instead elect to be billed
2 for the sewage service under this subsection by installing, at the
3 campground's expense, a meter to measure the actual amount of sewage
4 discharged by the campground into the district's sewers. If a
5 campground elects to be billed by use of a meter:

6 (1) the rate charged by the district's board for the metered sewage
7 service may not exceed the rate charged to residential customers
8 for equivalent usage; and

9 (2) the amount charged by the board for the campground's
10 monthly sewage service for the period beginning September 1 and
11 ending May 31 must be equal to the greater of:

12 (A) the actual amount that would be charged for the sewage
13 discharged during the month by the campground as measured
14 by the meter; or

15 (B) the lowest monthly charge paid by the campground for
16 sewage service during the previous period beginning June 1
17 and ending August 31.

18 (c) If a campground does not install a meter under subsection (b)
19 and is billed for sewage service at a flat rate under section 21(a)(1) of
20 this chapter, for a calendar year beginning after December 31, 2009,
21 **and ending before January 1, 2012**, each campsite at the campground
22 may not equal more than one-third (1/3) of one (1) resident equivalent
23 unit. The basic monthly charge for the campground's sewage service
24 must be equal to the number of the campground's resident equivalent
25 units multiplied by the rate charged by the board for a resident unit.

26 **(d) For calendar years beginning after December 31, 2011, a**
27 **campground is billed for sewage service at a flat rate under section**
28 **21(a)(1) of this chapter.**

29 ~~(d)~~ (e) The board may impose additional charges on a campground
30 under subsections (b) and (c) if the board incurs additional costs that
31 are caused by any unique factors that apply to providing sewage service
32 for the campground, including, but not limited to:

- 33 (1) the installation of:
34 (A) oversized pipe; or
35 (B) any other unique equipment;
36 necessary to provide sewage service for the campground; and
37 (2) concentrations of biochemical oxygen demand (BOD) that
38 exceed federal pollutant standards.

39 SECTION 4. IC 14-33-5-21.2, AS ADDED BY P.L.168-2009,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 21.2. (a) As used in this section, "commission"
42 refers to the Indiana utility regulatory commission created by

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

IC 8-1-1-2.

(b) This section applies to an owner or operator of a campground described in section 21.1(b) or 21.1(c) of this chapter who disputes:

- (1) that the campground is being billed at rates charged to residential customers for equivalent usage as required by section 21.1(b)(1) of this chapter;
- (2) the number of resident equivalent units determined for the campground under section 21.1(c) of this chapter; or
- (3) that any additional charges imposed on the campground under section ~~21.1(d)~~ **21.1(e)** of this chapter are reasonable or nondiscriminatory.

(c) If an owner or operator:

- (1) makes a good faith attempt to resolve a disputed matter described in subsection (b)(1) through (b)(3) through:
 - (A) any grievance or complaint procedure prescribed by the board; or
 - (B) other negotiations with the board; and
- (2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written request for review of the disputed matter and the board's proposed disposition of the matter to be conducted by the commission's appeals division established under IC 8-1-2-34.5(b). The owner or operator must file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter. **An owner or operator may not file a request under this section after December 31, 2012.**

(d) The commission's appeals division shall provide an informal review of the disputed matter. The review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the division's own motion, the division shall require the parties to attend a conference on the matter at a date, time, and place determined by the division.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the

C
o
p
y



1 review is pending is less than any monthly charge determined by the
 2 appeals division or commission in a decision issued under subsection
 3 (f), the owner or operator shall pay the board the difference owed.

4 (f) After conducting the review required under subsection (d), the
 5 appeals division shall issue a written decision resolving the disputed
 6 matter. The division shall send a copy of the decision to:

- 7 (1) the owner or operator of the campground; and
 8 (2) the board;

9 by United States mail. Not later than seven (7) days after receiving the
 10 written decision of the appeals division, either party may make a
 11 written request for the dispute to be formally docketed as a proceeding
 12 before the commission. Subject to the right of either party to an appeal
 13 under IC 8-1-3, the decision of the commission is final.

14 (g) The commission shall maintain a record of all requests for a
 15 review made under this section. The record must include:

- 16 (1) a copy of the appeals division's and commission's decision
 17 under subsection (f) for each dispute filed; and
 18 (2) any other documents filed with the appeals division or
 19 commission under this section.

20 The record must be made available for public inspection and copying
 21 in the office of the commission during regular business hours under
 22 IC 5-14-3.

23 (h) The commission may adopt rules under IC 4-22-2 to implement
 24 this section.

25 (i) **This section expires July 1, 2014.**

C
o
p
y

