

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1307 be amended to read as follows:

- 1           Page 9, between lines 3 and 4, begin a new paragraph and insert:  
2           "SECTION 8. IC 8-1.5-3-9.1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.1. (a) This  
4           section applies to the following:  
5               (1) Water utilities that are owned or operated by second class  
6               cities.  
7               (2) Third class cities.  
8               (3) Towns.  
9           (b) In addition to section 9 of this chapter, a municipally owned  
10          utility to which this section applies may be removed from the  
11          jurisdiction of the commission for the approval of rates and charges and  
12          of the issuance of stocks, bonds, notes, or other evidence of  
13          indebtedness, if the municipal legislative body adopts an ordinance  
14          removing the utility from commission jurisdiction. The municipal  
15          legislative body shall, at least thirty (30) days before the final vote on  
16          the ordinance, mail written notice of the meeting to all ratepayers of the  
17          utility and to the commission. For a second class city the municipal  
18          legislative body must hold two (2) public meetings before the final vote  
19          on an ordinance removing the utility from commission jurisdiction may  
20          be adopted. An explanation of the removal process must be provided  
21          at each public meeting under this section. Each public meeting must be  
22          held in a different location.  
23          (c) The ordinance described in subsection (b) takes effect sixty (60)  
24          days after adoption by the municipal legislative body.  
25          (d) The question of removal from commission jurisdiction shall be  
26          submitted to the registered voters of the municipality if, within the sixty  
27          (60) day period described in subsection (c), the legislative body  
28          receives a petition:  
29               (1) that is signed by at least the number of the registered voters of  
30               the municipality required under IC 3-8-6-3 to place a candidate on

- 1 the ballot; and  
 2 (2) that requests the legislative body to submit the question of  
 3 removal from commission jurisdiction to the registered voters of  
 4 the municipality at the next election.
- 5 The municipal legislative body shall certify the public question in  
 6 subsection (e) to the county election board of the county that contains  
 7 the greatest percentage of population of the municipality under  
 8 IC 3-10-9-3.
- 9 (e) If the legislative body receives a petition described in subsection  
 10 (d) in the proper form, the legislative body shall submit the following  
 11 public question to the registered voters of the municipality at the next  
 12 election in the form prescribed by IC 3-10-9-4:  
 13 "Shall the municipally owned utility be taken out of the  
 14 jurisdiction of the Indiana utility regulatory commission for the  
 15 approval of rates and charges and of the issuance of stocks, bonds,  
 16 notes, or other evidence of indebtedness?"
- 17 The legislative body shall mail written notice of the referendum to the  
 18 commission at least ten (10) days before the date of the election.
- 19 (f) If a majority of those voting on the question described in  
 20 subsection (e) favor taking the municipally owned utility out of the  
 21 jurisdiction of the commission, the utility is removed from the  
 22 jurisdiction of the commission for approval of rates and charges and of  
 23 the issuance of stocks, bonds, notes, or other evidences of  
 24 indebtedness.
- 25 (g) If the legislative body receives a petition in proper form under  
 26 subsection (d), the ordinance does not take effect until after removal is  
 27 approved by a majority of those voting. If a majority of those voting  
 28 vote against removal, the utility remains under the jurisdiction of the  
 29 commission and the ordinance does not take effect.
- 30 (h) In addition to the notice required by subsection (b), if the  
 31 municipal legislative body adopts the ordinance, described in  
 32 subsection (b), the municipal legislative body shall mail written notice  
 33 of the withdrawal from commission jurisdiction to the commission  
 34 within thirty (30) days after the ordinance becomes effective.
- 35 (i) Notwithstanding this section or section 9 of this chapter, the  
 36 commission may require a municipally owned utility that generates  
 37 electric power to provide information to the permanent forecasting  
 38 group under IC 8-1-8.5-3.5.
- 39 (j) This section does not affect the obligations of a municipally  
 40 owned utility under IC 8-1-2.3, IC 8-1-8.5, IC 8-1-22.5, or  
 41 IC 8-1.5-3-14.
- 42 **(k) Notwithstanding subsection (a) and the procedure set forth**  
 43 **in section 9 of this chapter, if a city adopts an ordinance under this**  
 44 **section before January 1, 2013, to remove the city's municipally**  
 45 **owned electric utility from the jurisdiction of the commission for**  
 46 **the approval of rates and charges and of the issuance of stocks,**

1     **bonds, notes, or other evidence of indebtedness, the removal of the**  
2     **city's municipally owned electric utility from the commission's**  
3     **jurisdiction for the approval of rates and charges and of the**  
4     **issuance of stocks, bonds, notes, or other evidence of indebtedness**  
5     **is effective for all purposes and is legalized and validated."**

6     Renumber all SECTIONS consecutively.  
      (Reference is to EHB 1307 as printed April 2, 2013.)

---

Senator ZAKAS