

PROPOSED AMENDMENT

HB 1002 # 23

DIGEST

Public utilities. Amends existing law granting the Indiana utility regulatory commission (IURC) the authority to take certain actions with respect to the rates and services of public utilities during emergency circumstances, as judged by the IURC, to provide instead that the IURC may recommend that the governor declare a disaster emergency or proclaim a state of energy emergency during which the IURC may take such actions. Specifies that the emergency must result from: (1) a national economic depression; (2) an act of war; or (3) a disaster of unprecedented size and destructiveness. Specifies that a declaration of a disaster emergency by the governor upon the recommendation of the IURC is subject to statutory time limits and termination by the general assembly under existing law. Specifies that a proclamation of a state of energy emergency by the governor upon the recommendation of the IURC is subject to statutory time limits and approval by the general assembly under existing law with respect to a second or subsequent renewal of the proclamation.

1 Page 6, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 3. IC 8-1-2-113, AS AMENDED BY P.L.93-2024,
3 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 113. (a) **Subject to subsections (b) and (c),**
5 the commission may, when it considers **it** necessary to prevent injury
6 to the business or interests of the people **of**, or any public utility **of this**
7 **state operating in, Indiana in case the event** of any emergency **to be**
8 **judged by the commission, that results from:**
9 **(1) a national economic depression;**
10 **(2) an act of war; or**
11 **(3) a disaster of unprecedented size and destructiveness**
12 **resulting from manmade or natural causes;**
13 **recommend that the governor declare a disaster emergency under**
14 **IC 10-14-3-12 or proclaim a state of energy emergency under**
15 **IC 10-14-3-13, as applicable, during which the commission may**
16 temporarily alter, amend, or with the consent of the public utility
17 concerned, suspend any existing rates, service, practices, schedules,
18 **and order or orders** relating to or affecting any public utility or part of
19 any public utility **operating in this state: Indiana.** The alterations,
20 amendments, or suspensions of the rates, service, schedules, or
21 practices made by the commission **shall may** apply to one (1) or more

1 of the public utilities **operating** in this state or to any portion thereof,
2 **Indiana**, as directed by the commission, and **shall** take effect at the
3 time and remain in force **only** for the length of time prescribed by the
4 commission: **duration of the disaster emergency or the energy**
5 **emergency, as applicable.**

6 (b) The commission may adopt rules under IC 4-22-2 to carry out
7 this section:

8 (b) **The declaration of a disaster emergency by the governor**
9 **upon the recommendation of the commission under subsection (a)**
10 **is subject to:**

11 (1) the time limitations set forth in IC 10-14-3-12(b); and
12 (2) termination by the general assembly under
13 IC 10-14-3-12(c).

14 (c) **The proclamation of a state of energy emergency by the**
15 **governor upon the recommendation of the commission under**
16 **subsection (a) is subject to:**

17 (1) the time limitation set forth in IC 10-14-3-13(c); and
18 (2) approval by the general assembly under IC 10-14-3-13(d)
19 with respect to a second or subsequent renewal of the
20 proclamation."

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as introduced.)