

# PROPOSED AMENDMENT

## SB 6 # 2

### DIGEST

Condemnation by public utility. Excludes from the bill: (1) a temporary easement; or (2) a condemnation needed to protect the public health or safety. Removes provisions requiring a public utility to conduct a public outreach program. Provides that if a meeting is requested by a landowner or interested person, the public utility must offer to meet regarding the project within 30 days of the request. Adds a requirement that a notice be placed on the public utility's website, if any. Adds requirements regarding the content of notices.

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1       Page 1, line 3, delete "A" and insert "**This section does not apply**  
2       **to a temporary easement or a condemnation that is needed to**  
3       **protect the public health or safety.**  
4       **(b) Before a".**  
5       Page 1, line 3, delete "not".  
6       Page 1, line 6, delete "main unless the public utility conducts an  
7       outreach" and insert "**main, the public utility shall provide all of the**  
8       **following notices:**  
9       **(1) A notice to each owner of land that is needed or intended**  
10      **to be taken for the extension. The notice must:**  
11      **(A) be sent:**  
12       **(i) to the address of the landowner as listed on the tax**  
13       **duplicate;**  
14       **(ii) by first class mail, certified mail with return receipt**  
15       **requested, or any other means of delivery that includes**  
16       **a return receipt; and**  
17       **(iii) at least sixty (60) days before a public utility**  
18       **presents an offer of purchase under IC 32-24-1-5;**  
19      **(B) include a statement that:**  
20       **(i) the public utility intends to extend a water or**  
21       **wastewater main;**  
22       **(ii) the landowner's property is needed for the extension;**  
23       **and**  
24       **(iii) the public utility can acquire land through**  
25       **condemnation if certain conditions are met; and**

**(C) clearly identify:**

- (i) where a landowner may access information pertaining to a proposed extension project; and**
- (ii) the applicable utility representative to contact regarding any questions pertaining to the proposed project.**

## (2) A notice:

(A) in a newspaper of general circulation in the county where the extension is proposed published:

**(i) two (2) times, at least one (1) week apart; and**

(ii) at least forty-five (45) days before a public utility presents an offer of purchase under IC 32-24-1-5; and

**(B) that includes information regarding:**

**(i) the proposed boundaries of the extension;**

**(ii) the expected completion date of the total extension project;**

(iii) the location of information pertaining to a proposed extension project that may be accessed by an interested person; and

(iv) the applicable utility representative to contact regarding any questions pertaining to the proposed project.

### (3) A notice:

**(A) in a conspicuous location on the public utility's website, if the utility has a website; and**

**(B) that includes the information in subdivision (2)(B).**

**(4) A notice:**

**(A) to the county plan commission in the county where the extension is proposed;**

**(B) sent by first class mail, certified mail with return receipt requested, or any other means of delivery that includes a return receipt; and**

**(C) that includes the information in subdivision (2)(B).**

(c) If a landowner or other interested person requests a meeting with the public utility regarding the proposed extension project, the utility shall offer to meet with the landowner not later than thirty (30) days after the date of the request.".

Page 1, delete lines 7 through 17.

Page 2, delete lines 1 through 29, begin a new paragraph and insert:

**"(d) If the public utility provides evidence that the notice under**

1       **subsection (b)(1) was sent:".**

2       Page 2, line 32, delete "this section;" and insert "**subsection**  
3       **(b)(1);".**

4       Page 2, delete lines 34 through 36, begin a new paragraph and  
5       insert:

6       **"(e) A public utility may move forward with a proposed water**  
7       **or wastewater main extension if the public utility has satisfied the**  
8       **notice requirements set forth under this section.**

9       **(f) Nothing in this section shall be construed to violate**  
10      **IC 8-1-2-101.5 or any applicable administrative rule."**

(Reference is to SB 6 as introduced.)