

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.

- 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**

- 1 (C) clearly identify:
- 2 (i) where a landowner may access information pertaining
- 3 to a proposed extension project; and
- 4 (ii) the applicable utility representative to contact
- 5 regarding any questions pertaining to the proposed
- 6 project.
- 7 (2) A notice:
- 8 (A) in a newspaper of general circulation in the county
- 9 where the extension is proposed published:
- 10 (i) two (2) times, at least one (1) week apart; and
- 11 (ii) at least forty-five (45) days before a public utility
- 12 presents an offer of purchase under IC 32-24-1-5; and
- 13 (B) that includes information regarding:
- 14 (i) the proposed boundaries of the extension;
- 15 (ii) the expected completion date of the total extension
- 16 project;
- 17 (iii) the location of information pertaining to a proposed
- 18 extension project that may be accessed by an interested
- 19 person; and
- 20 (iv) the applicable utility representative to contact
- 21 regarding any questions pertaining to the proposed
- 22 project.
- 23 (3) A notice:
- 24 (A) in a conspicuous location on the public utility's website,
- 25 if the utility has a website; and
- 26 (B) that includes the information in subdivision (2)(B).
- 27 (4) A notice:
- 28 (A) to the county plan commission in the county where the
- 29 extension is proposed;
- 30 (B) sent by first class mail, certified mail with return
- 31 receipt requested, or any other means of delivery that
- 32 includes a return receipt; and
- 33 (C) that includes the information in subdivision (2)(B).
- 34 (c) If a landowner or other interested person requests a meeting
- 35 with the public utility regarding the proposed extension project,
- 36 the utility shall offer to meet with the landowner not later than
- 37 thirty (30) days after the date of the request."

38 Page 1, delete lines 7 through 17.

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

40 "(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.)