

PROPOSED AMENDMENT

SB 6 # 3

DIGEST

Water or wastewater main extensions. Limits the applicability of the bill's notice requirements concerning the proposed condemnation of land for the extension of a water main or a wastewater main, so as to apply only to a municipally owned utility that seeks to condemn land that is located outside: (1) the corporate boundaries of the municipality; or (2) the existing service territory of the municipally owned utility; as of the date the condemnation is first proposed. Specifies that for purposes of the bill's provisions, a "municipally owned utility" does not include a utility company owned, operated, or held in trust by a consolidated city. Specifies that the first of the two required publications of notice in a newspaper of general circulation in the county in which the proposed extension is located must occur at least 45 days before the municipally owned utility presents the statutorily required offer of purchase to a landowner. (The January 13, 2026, reprinting of the bill does not specify whether the first or second publication must occur within the required 45 day time frame.) Provides that a landowner or the county plan commission may, not later than 30 days after receiving the required notice of the proposed extension, request in writing a meeting with the municipally owned utility regarding the proposed extension project. Provides that upon receiving such a request, the municipally owned utility shall offer to meet with the landowner or the county plan commission not later than 30 days after receiving the written request. (The January 13, 2026, reprinting of the bill authorizes a landowner or another interested person to request a meeting with the municipally owned utility but does not specify: (1) that the request must be in writing; or (2) a time within which the landowner or other interested person must make the request.) Makes technical and conforming changes.

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- 1 Page 1, line 3, delete "This section does not apply to a temporary"
2 and insert "**Notwithstanding IC 8-1.5-2-3, this section applies to a**
3 **municipally owned utility that seeks to take, acquire, condemn, or**
4 **appropriate land or real estate, or any interest in the land or real**
5 **estate, for the purpose of extending a water main or a wastewater**
6 **main if the land or real estate, or the interest in the land or real**
7 **estate, is located outside:**
8 **(1) the corporate boundaries of the municipality; or**
9 **(2) the existing service territory of the municipally owned**
10 **utility;**
11 **as of the date the taking, acquisition, condemnation, or**
12 **appropriation is first proposed.**
13 **(b) This section does not apply to a temporary easement or a**
14 **condemnation that is needed to protect the public health or safety.**
15 **(c) As used in this section, "municipally owned utility" has the**

1 meaning set forth in IC 8-1-2-1-(h). The term includes a
 2 wastewater utility operated under IC 36-9-23 or IC 36-9-25. The
 3 term does not include a utility company owned, operated, or held
 4 in trust by a consolidated city."

5 Page 1, delete lines 4 through 5.

6 Page 1, line 6, delete "(b) Before a public utility" and insert "(d)
 7 Before a municipally owned utility".

8 Page 1, line 8, delete "water or wastewater main," and insert "water
 9 main or a wastewater main in an area described in subsection
 10 (a)(1) or (a)(2),".

11 Page 1, line 9, delete "public utility shall provide all of" and insert
 12 "municipally owned utility must provide".

13 Page 1, line 13, delete "to the address of the landowner as listed on
 14 the tax" and insert "at least sixty (60) days before the municipally
 15 owned utility presents an offer of purchase under IC 32-24-1-5;
 16 and

17 (ii) either by first class mail or by certified mail, return
 18 receipt requested, or any other means of delivery that
 19 includes a return receipt, to the address of taxpayer as
 20 listed on the tax duplicate;"

21 Page 1, delete lines 14 through 17.

22 Page 2, delete lines 1 through 2.

23 Page 2, line 4, delete "public" and insert "municipally owned".

24 Page 2, line 4, delete "or" and insert "main or a".

25 Page 2, line 8, delete "public utility can" and insert "municipally
 26 owned utility may".

27 Page 2, line 11, delete "where" and insert "instructions as to how".

28 Page 2, line 12, delete "a" and insert "the".

29 Page 2, line 13, delete "applicable utility representative to contact"
 30 and insert "name of, and contact information for, the municipally
 31 owned utility's representative to whom questions concerning the
 32 proposed extension project may be directed."

33 Page 2, delete lines 14 through 15.

34 Page 2, line 17, delete "in a newspaper of general circulation in the
 35 county" and insert "that must be published in a newspaper of
 36 general circulation in the county in which the extension is
 37 proposed:"

38 Page 2, delete line 18.

39 Page 2, line 20, delete "at least forty-five (45) days before a public
 40 utility" and insert "with the first publication occurring at least

- 1 **forty-five (45) days before the municipally owned utility".**
- 2 Page 2, line 24, delete "total" and insert "**entire**".
- 3 Page 2, line 26, delete "the location of information pertaining to a
4 proposed" and insert "**instructions as to how an interested person
5 may access information pertaining to the proposed extension
6 project; and**".
- 7 Page 2, delete lines 27 through 28.
- 8 Page 2, line 29, delete "applicable utility representative to contact"
9 and insert "**name of, and contact information for, the municipally
10 owned utility's representative to whom questions concerning the
11 proposed extension project may be directed.**".
- 12 Page 2, delete lines 30 through 31.
- 13 Page 2, line 33, delete "in a conspicuous location on the public" and
14 insert "**that must be posted in a conspicuous location on the
15 municipally owned**".
- 16 Page 2, line 34, after "the" insert "**municipally owned**".
- 17 Page 2, line 37, delete "to the county plan commission in the county
18 where the" and insert "**that must be sent by either first class mail or:
19 (i) certified mail, return receipt requested; or
20 (ii) any other means of delivery that includes a return
21 receipt;
22 to the county plan commission for the county in which the
23 extension project is proposed; and**".
- 24 Page 2, delete lines 38 through 41.
- 25 Page 2, line 42, delete "(C)" and insert "**(B)**".
- 26 Page 3, line 1, delete "(c) If a landowner or other interested person
27 requests" and insert "**(e) A landowner or the county plan commission
28 may, not later than thirty (30) days after receiving the notice
29 described in subsection (d)(1) or (d)(4), as applicable, request in
30 writing**".
- 31 Page 3, line 2, delete "public utility regarding the proposed
32 extension project," and insert "**municipally owned utility regarding
33 the proposed extension project. Upon receiving a written request
34 under this subsection, the municipally owned utility shall offer to
35 meet with the landowner or county plan commission, as applicable,
36 not later than thirty (30) days after the municipally owned utility's
37 receipt of the written request.**".
- 38 Page 3, delete lines 3 through 4.
- 39 Page 3, line 5, delete "(d) If the public" and insert "**(f) If the
40 municipally owned**".

- 1 Page 3, line 6, delete "(b)(1)" and insert "**(d)(1)**".
- 2 Page 3, line 9, delete "(b)(1);" and insert "**(d)(1);**".
- 3 Page 3, line 10, delete "it is not necessary that the landowner
- 4 accept" and insert "**the municipally owned utility is considered to**
- 5 **have complied with subsection (d)(1) regardless of whether the**
- 6 **landowner accepts**".
- 7 Page 3, line 11, delete "(e) A public utility may move forward" and
- 8 insert "**(g) A municipally owned utility may proceed**".
- 9 Page 3, line 12, delete "public" and insert "**municipally owned**".
- 10 Page 3, line 13, delete "under" and insert "**in**".
- 11 Page 3, line 14, delete "(f)" and insert "**(h)**".
- 12 Page 3, line 15, delete "where" and insert "**in which**".
- 13 Page 3, line 18, delete "(b)(4);" and insert "**(d)(4);**".
- 14 Page 3, line 20, delete "(b)(2)(B)" and insert "**(d)(2)(B)**".
- 15 Page 3, line 22, delete "(g)" and insert "**(i)**".
- 16 Page 3, line 22, delete "violate" and insert "**limit or annul**".
- (Reference is to SB 6 as reprinted January 13, 2026.)