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SENATE BILL No. 6

Proposed Changes to introduced printing by AM000602

DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-24-4-5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: Sec. 5. (a) ~~<A>~~ [This section does not apply to a temporary
4 easement or a condemnation that is needed to protect the public
5 health or safety.
6 (b) Before a] public utility may ~~<not>~~ take, acquire, condemn,
7 or appropriate land, real estate, or any interest in the land or real
8 estate for the purpose of extending a water or wastewater main~~<~~
9 ~~unless the public utility conducts an outreach program under~~
10 ~~subsection (b):~~

2026

IN 6—LS 6064/DI 153



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1 ~~— (b) Not earlier than four (4) months before a public utility~~
 2 ~~presents an offer of purchase under IC 32-24-1-5, the public utility~~
 3 ~~shall conduct an outreach program to inform citizens regarding the~~
 4 ~~proposed extension. The outreach program must conduct at least~~
 5 ~~two (2) public information meetings regarding the proposed~~
 6 ~~extension. The public information meetings must provide citizens~~
 7 ~~with the following information:~~

8 ~~— (1) Maps showing the proposed boundaries of the extension;~~

9 ~~— (2) The expected completion date of the total extension~~
 10 ~~project;~~

11 ~~— (3) The nature of the work the public utility would complete~~
 12 ~~on each parcel of land needed or intended to be taken for the~~
 13 ~~extension;~~

14 ~~— (c) The~~ [, the] public utility shall provide ~~<notice of the dates,~~
 15 ~~times, and locations of the outreach program meetings in a~~
 16 ~~newspaper of general circulation in the county where the extension~~
 17 ~~is proposed not later than thirty (30) days before the date of each~~
 18 ~~meeting. The public utility shall also send~~ [all of the following
 19 ~~notices:~~

20 (1) A] notice to each owner of land ~~<, if the person's land~~ [
 21 that] is needed or intended to be taken for the extension ~~<, not~~
 22 ~~later than thirty (30) days before the date of the first meeting~~
 23 ~~of the outreach program. The notice to landowners shall be~~
 24 ~~sent~~ [. The notice must:

25 (A) be sent:

26 (i) to the address of the landowner as listed on the
 27 tax duplicate;

28 (ii)] by first class mail, certified mail with return
 29 receipt requested, or any other means of delivery
 30 that includes a return receipt ~~<and must include the~~
 31 ~~following information:~~

32 ~~— (1) A~~]; and

33 (iii) at least sixty (60) days before a public utility
 34 presents an offer of purchase under IC 32-24-1-5;

35 (B) include a] statement that:

36 [] ~~(~~A~~) [i]~~ the public utility intends to extend a water
 37 or wastewater main;

38 [] ~~(~~B~~) [ii]~~ the landowner's property is needed for
 39 the extension; and

40 [] ~~(~~C~~) [iii]~~ the public utility can acquire land
 41 through condemnation if certain conditions are
 42 met ~~<.~~



~~(2) The~~ [; 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 ~~conducting an outreach program for the purpose of providing information to landowners and 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

~~(3) The date, time, and location of the meetings to be conducted under the outreach program.~~

~~(d) The notice shall be sent to the address of the landowner as~~



~~listed on the tax duplicate.~~ [project, the utility shall offer to meet with the landowner not later than thirty (30) days after the date of the request.

(d) If the public utility provides evidence that the notice [under subsection (b)(1)] was sent:

[(1) by certified mail, with return receipt requested, or any other means of delivery that includes a return receipt; and

(2) in accordance with ~~<this section>~~ [subsection (b)(1)];
it is not necessary that the landowner accept receipt of the notice.

(e) A public utility ~~<shall provide notice of>~~ [may move forward with] a ~~<project to extend a>~~ [proposed] water or wastewater main ~~< to a county zoning authority that has jurisdiction over the area.>~~ [extension if the public utility has satisfied the notice requirements set forth under this section.

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

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