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## SENATE BILL No. 6

Proposed Changes to January 13, 2026 printing by AM000603

### DIGEST OF PROPOSED AMENDMENT

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.

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) [Notwithstanding IC 8-1.5-2-3, this section**

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1 applies to a municipally owned utility that seeks to take, acquire,  
 2 condemn, or appropriate land or real estate, or any interest in the  
 3 land or real estate, for the purpose of extending a water main or a  
 4 wastewater main if the land or real estate, or the interest in the  
 5 land or real estate, is located outside:

- 6 (1) the corporate boundaries of the municipality; or  
 7 (2) the existing service territory of the municipally owned  
 8 utility;

9 as of the date the taking, acquisition, condemnation, or  
 10 appropriation is first proposed.

11 (b) [This section does not apply to a temporary easement or a  
 12 condemnation that is needed to protect the public health or safety.]

13 (c) As used in this section, "municipally owned utility" has the  
 14 meaning set forth in IC 8-1-2-1-(h). The term includes a  
 15 wastewater utility operated under IC 36-9-23 or IC 36-9-25. The  
 16 term does not include a utility company owned, operated, or held  
 17 in trust by a consolidated city.]

18 (~~b~~) [d] Before a ~~public~~ [municipally owned] utility may  
 19 take, acquire, condemn, or appropriate land, real estate, or any  
 20 interest in the land or real estate for the purpose of extending a  
 21 water [main ] or [ a] wastewater main [ in an area described in  
 22 subsection (a)(1) or (a)(2)], the ~~public~~ [municipally owned] utility  
 23 ~~shall~~ [must] provide ~~all of~~ the following notices:

24 (1) A notice to each owner of land that is needed or intended  
 25 to be taken for the extension. The notice must:

26 (A) be sent:

- 27 (i) ~~to the address of the landowner as listed on the~~  
 28 ~~tax duplicate;~~  
 29 ~~(ii)~~ [at least sixty (60) days before the municipally  
 30 owned utility presents an offer of purchase under  
 31 IC 32-24-1-5; and  
 32 (ii) either] by first class mail <=> [ or by] certified  
 33 mail <-with> [.] return receipt requested, or any  
 34 other means of delivery that includes a return  
 35 receipt <-; and  
 36 ~~(iii) at least sixty (60) days before a public utility~~  
 37 ~~presents an offer of purchase under IC 32-24-1-5;~~  
 38 >], to the address of taxpayer as listed on the tax duplicate;

39 ] (B) include a statement that:

- 40 (i) the ~~public~~ [municipally owned] utility intends  
 41 to extend a water [main ] or [ a] wastewater main;  
 42 (ii) the landowner's property is needed for the

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- 1 extension; and
- 2 (iii) the ~~<public>~~ [municipally owned] utility
- 3 ~~<can>~~ [may] acquire land through condemnation if
- 4 certain conditions are met; and
- 5 (C) clearly identify:
  - 6 (i) ~~<where>~~ [instructions as to how] a landowner
  - 7 may access information pertaining to ~~<a>~~ [the]
  - 8 proposed extension project; and
  - 9 (ii) the ~~<applicable>~~ [name of, and contact
  - 10 information for, the municipally owned] utility['s]
  - 11 representative to ~~<contact regarding any>~~ [whom]
  - 12 questions ~~<pertaining to>~~ [concerning] the proposed
  - 13 [extension ]project [ may be directed].
- 14 (2) A notice:
  - 15 (A) [that must be published ] in a newspaper of general
  - 16 circulation in the county ~~<where>~~ [in which] the
  - 17 extension is proposed ~~<published>~~:
    - 18 (i) two (2) times, at least one (1) week apart; and
    - 19 (ii) [with the first publication occurring ] at least
    - 20 forty-five (45) days before ~~<a—public>~~ [the
    - 21 municipally owned] utility presents an offer of
    - 22 purchase under IC 32-24-1-5; and
  - 23 (B) that includes information regarding:
    - 24 (i) the proposed boundaries of the extension;
    - 25 (ii) the expected completion date of the
    - 26 ~~<total>~~ [entire] extension project;
    - 27 (iii) ~~<the location of>~~ [instructions as to how an
    - 28 interested person may access] information
    - 29 pertaining to ~~<a>~~ [the proposed extension project;
    - 30 and
    - 31 [iv) the name of, and contact information for, the
    - 32 municipally owned utility's representative to whom
    - 33 questions concerning the] proposed extension
    - 34 project ~~<that may be accessed by an interested~~
    - 35 ~~person; and~~
    - 36 ~~(iv) the applicable utility representative to contact~~
    - 37 ~~regarding any questions pertaining to the proposed~~
    - 38 ~~project>~~ [may be directed].
- 39 (3) A notice:
  - 40 (A) [that must be posted ] in a conspicuous location on
  - 41 the ~~<public>~~ [municipally owned] utility's website, if the
  - 42 [municipally owned] utility has a website; and

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- 1 (B) that includes the information in subdivision (2)(B).  
 2 (4) A notice:  
 3 (A) [that must be sent by either first class mail or:  
 4 (i) certified mail, return receipt requested; or  
 5 (ii) any other means of delivery that includes a  
 6 return receipt;  
 7 ]to the county plan commission ~~in~~ [for] the county  
 8 ~~where the extension is proposed;~~  
 9 ~~— (B) sent by first class mail, certified mail with return~~  
 10 ~~receipt requested, or any other means of delivery that~~  
 11 ~~includes a return receipt; and~~  
 12 ~~— (C) [in which the extension project is proposed; and~~  
 13 (B) that includes the information in subdivision (2)(B).  
 14 ~~(~~e~~) ~~If a landowner or other interested person~~~~  
 15 ~~requests~~ [A landowner or the county plan commission may, not  
 16 later than thirty (30) days after receiving the notice described in  
 17 subsection (d)(1) or (d)(4), as applicable, request in writing] a  
 18 meeting with the ~~public~~ [municipally owned ]utility regarding  
 19 the proposed extension project [ . Upon receiving a written request  
 20 under this subsection], the [ municipally owned] utility shall offer  
 21 to meet with the landowner [or county plan commission, as  
 22 applicable, ]not later than thirty (30) days after the ~~date of the~~  
 23 request.  
 24 ~~— (d) If the public~~ [municipally owned utility's receipt of the  
 25 written request.  
 26 (f) If the municipally owned] utility provides evidence that the  
 27 notice under subsection (~~b~~) [d](1) was sent:  
 28 (1) by certified mail, with return receipt requested, or any  
 29 other means of delivery that includes a return receipt; and  
 30 (2) in accordance with subsection (~~b~~)(1);  
 31 ~~it is not necessary that~~ [d](1);  
 32 the municipally owned utility is considered to have complied with  
 33 subsection (d)(1) regardless of whether] the landowner accept[s]  
 34 receipt of the notice.  
 35 ~~(~~e~~) [g] A ~~public~~ [municipally owned] utility may ~~move~~~~  
 36 ~~forward~~ [proceed] with a proposed water or wastewater main  
 37 extension if the ~~public~~ [municipally owned] utility has satisfied  
 38 the notice requirements set forth ~~under~~ [in] this section.  
 39 ~~(~~f~~) [h] If:~~  
 40 (1) a county ~~where~~ [in which] an extension is proposed has  
 41 a website; and  
 42 (2) the county plan commission has been provided the notice

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1           under subsection (~~b~~ d)(4);  
2           the county shall post a notice that includes the information in  
3           subsection (~~b~~ d)(2)(B) in a conspicuous location on the county's  
4           website.  
5           (~~g~~ i) Nothing in this section shall be construed to  
6           ~~violate~~ limit or annul IC 8-1-2-101.5 or any applicable  
7           administrative rule.

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