

## SENATE BILL No. 187

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-26.

**Synopsis:** Regional sewer districts. Specifies that a board of trustees of a regional water, sewage, or solid waste district (board) must consult with the district authority before taking certain actions. Provides that a trustee appointed to a board serves at the pleasure of the appointing authority. Prohibits a regional water, sewage, and solid waste district from incurring any indebtedness without first obtaining the approval of the county fiscal body. Specifies that if a district contains territory in more than one county, the district shall first obtain the approval of the county fiscal body of the county that contains more than 50% of the district's service area before the district may incur any indebtedness. Urges the legislative council to assign to the appropriate interim study committee the task of studying whether to transfer administrative duties related to regional water, sewage, or solid waste districts.

**Effective:** Upon passage; July 1, 2026.

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**Bohacek**

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January 6, 2026, read first time and referred to Committee on Environmental Affairs.

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Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## SENATE BILL No. 187

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

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

1        SECTION 1. IC 13-26-1-2 IS AMENDED TO READ AS  
2        FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) At any time after  
3        the creation of a district, the district, after motion by the district's board  
4        **and in consultation with the district authority established under**  
5        **IC 13-26-11-15**, may file a petition with the department requesting the  
6        approval of the department permitting the district to:

7                (1) increase or add to the district's purposes or modify the district  
8                plan approved by the department;  
9                (2) abandon or surrender all or part of a purpose or plan approved  
10               by the department; or  
11                (3) subject to IC 13-26-4-1, increase the number of persons  
12               serving on the board of trustees.  
13                (b) The department may:  
14                (1) approve;  
15                (2) modify and approve; or  
16                (3) reject;  
17                a request received under this section.



1        SECTION 2. IC 13-26-4-3 IS AMENDED TO READ AS  
2        FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. **(a)** Instead of  
3        electing the board, an order establishing a district may provide for  
4        appointments to the board by the elected executive or legislative  
5        officers of the eligible entities having territory in the district.

6        **(b) An appointed trustee under this chapter serves at the  
7        pleasure of the appointing authority.**

8        SECTION 3. IC 13-26-5-2, AS AMENDED BY P.L.232-2023,  
9        SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10       JULY 1, 2026]: Sec. 2. **In consultation with the district authority  
11       established under IC 13-26-11-15**, a district may do the following:

- 12        (1) Sue or be sued.
- 13        (2) Make contracts in the exercise of the rights, powers, and  
14        duties conferred upon the district.
- 15        (3) Adopt and alter a seal and use the seal by causing the seal to  
16        be impressed, affixed, reproduced, or otherwise used. However,  
17        the failure to affix a seal does not affect the validity of an  
18        instrument.
- 19        (4) Adopt, amend, and repeal the following:
  - 20            (A) Bylaws for the administration of the district's affairs.
  - 21            (B) Rules and regulations for the following:
    - 22              (i) The control of the administration and operation of the  
23              district's service and facilities.
    - 24              (ii) The exercise of all of the district's rights of ownership.
- 25        (5) Construct, acquire, lease, operate, or manage works and obtain  
26        rights, easements, licenses, money, contracts, accounts, liens,  
27        books, records, maps, or other property, whether real, personal, or  
28        mixed, of a person or an eligible entity.
- 29        (6) Assume in whole or in part any liability or obligation of:
  - 30            (A) a person;
  - 31            (B) a nonprofit water, sewage, or solid waste project system;  
32            or
  - 33            (C) an eligible entity;  
34            including a pledge of part or all of the net revenues of a works to  
35            the debt service on outstanding bonds of an entity in whole or in  
36            part in the district and including a right on the part of the district  
37            to indemnify and protect a contracting party from loss or liability  
38            by reason of the failure of the district to perform an agreement  
39            assumed by the district or to act or discharge an obligation.
  - 40            (7) Fix, alter, charge, and collect reasonable rates and other  
41            charges in the area served by the district's facilities to every  
42            person whose premises are, whether directly or indirectly,



1 supplied with water or provided with sewage or solid waste  
2 services by the facilities for the purpose of providing for the  
3 following:

4 (A) The payment of the expenses of the district.  
5 (B) The construction, acquisition, improvement, extension,  
6 repair, maintenance, and operation of the district's facilities  
7 and properties.  
8 (C) The payment of principal or interest on the district's  
9 obligations.  
10 (D) To fulfill the terms of agreements made with:  
11 (i) the purchasers or holders of any obligations; or  
12 (ii) a person or an eligible entity.  
13 (8) Except as provided in sections 2.5 and 2.6 of this chapter,  
14 require connection to the district's sewer system of property  
15 producing sewage or similar waste, and require the  
16 discontinuance of use of privies, cesspools, septic tanks, and  
17 similar structures if:  
18 (A) there is an available sanitary sewer within three hundred  
19 (300) feet of:  
20 (i) the property line, if the property is adjacent to a body of  
21 water, including a lake, river, or reservoir;  
22 (ii) any part of a subdivision, or land that is divided or  
23 proposed to be divided into lots, whether contiguous or  
24 subject to zoning requirements, for the purpose of sale or  
25 lease as part of a larger common plan of development or  
26 sale; or  
27 (iii) for all other properties, the improvement or other  
28 structure from which the sewage or similar waste is  
29 discharged;  
30 (B) the district has given written notice by certified mail to the  
31 property owner at the address of the property at least ninety  
32 (90) days before a date for connection to be stated in the notice  
33 and the notice includes a list of the applicable exemptions  
34 from connecting to the sewer system available to the property  
35 owner that are described in section 2.5 of this chapter; and  
36 (C) if the property is located outside the district's territory:  
37 (i) the district has obtained and provided to the property  
38 owner (along with the notice required by clause (B)) a letter  
39 of recommendation from the local health department that  
40 there is a possible threat to the public's health; and  
41 (ii) if the property is also located within the extraterritorial  
42 jurisdiction of a municipal sewage works under IC 36-9-23



1 or a public sanitation department under IC 36-9-25, the  
2 municipal works board or department of public sanitation  
3 has acknowledged in writing that the property is within the  
4 municipal sewage works or department of public sanitation's  
5 extraterritorial jurisdiction, but the municipal works board  
6 or department of public sanitation is unable to provide sewer  
7 service.

8 However, a district may not require the owner of a property  
9 described in this subdivision to connect to the district's sewer  
10 system if the property is already connected to a sewer system that  
11 has received an NPDES permit and has been determined to be  
12 functioning satisfactorily.

13 (9) Provide by ordinance for a reasonable penalty, not to exceed  
14 one hundred dollars (\$100) per day, for failure to connect and also  
15 apply to the circuit or superior court of the county in which the  
16 property is located for an order to force connection, with the cost  
17 of the action, including reasonable attorney's fees of the district,  
18 to be assessed by the court against the property owner in the  
19 action.

20 (10) Refuse the services of the district's facilities if the rates or  
21 other charges are not paid by the user.

22 (11) Control and supervise all property, works, easements,  
23 licenses, money, contracts, accounts, liens, books, records, maps,  
24 or other property rights and interests conveyed, delivered,  
25 transferred, or assigned to the district.

26 (12) Construct, acquire by purchase or otherwise, operate, lease,  
27 preserve, and maintain works considered necessary to accomplish  
28 the purposes of the district's establishment within or outside the  
29 district and enter into contracts for the operation of works owned,  
30 leased, or held by another entity, whether public or private.

31 (13) Hold, encumber, control, acquire by donation, purchase, or  
32 condemnation, construct, own, lease as lessee or lessor, use, and  
33 sell interests in real and personal property or franchises within or  
34 outside the district for:

35 (A) the location or protection of works;  
36 (B) the relocation of buildings, structures, and improvements  
37 situated on land required by the district or for any other  
38 necessary purpose; or  
39 (C) obtaining or storing material to be used in constructing and  
40 maintaining the works.

41 (14) Upon consent of two-thirds (2/3) of the members of the  
42 board, merge or combine with another district into a single district



1 on terms so that the surviving district:

2 (A) is possessed of all rights, franchises, and authority of the  
3 constituent districts; and

4 (B) is subject to all the liabilities, obligations, and duties of  
5 each of the constituent districts, with all rights of creditors of  
6 the constituent districts being preserved unimpaired.

7 (15) Provide by agreement with another eligible entity for the  
8 joint construction of works the district is authorized to construct  
9 if the construction is for the district's own benefit and that of the  
10 other entity. For this purpose the cooperating entities may jointly  
11 appropriate land either within or outside their respective borders  
12 if all subsequent proceedings, actions, powers, liabilities, rights,  
13 and duties are those set forth by statute.

14 (16) Enter into contracts with a person, an eligible entity, the  
15 state, or the United States to provide services to the contracting  
16 party for any of the following:

17 (A) The distribution or purification of water.

18 (B) The collection or treatment of sanitary sewage.

19 (C) The collection, disposal, or recovery of solid waste.

20 (17) Make provision for, contract for, or sell the district's  
21 byproducts or waste.

22 (18) Exercise the power of eminent domain, including for  
23 purposes of siting sewer or water utility infrastructure, but only  
24 after the district attempts to use existing public rights-of-way or  
25 easements.

26 (19) Remove or change the location of a fence, building, railroad,  
27 canal, or other structure or improvement located within or outside  
28 the district. If:

29 (A) it is not feasible or economical to move the building,  
30 structure, or improvement situated in or upon land acquired;  
31 and

32 (B) the cost is determined by the board to be less than that of  
33 purchase or condemnation;

34 the district may acquire land and construct, acquire, or install  
35 buildings, structures, or improvements similar in purpose to be  
36 exchanged for the buildings, structures, or improvements under  
37 contracts entered into between the owner and the district.

38 (20) Employ consulting engineers, superintendents, managers,  
39 and other engineering, construction, and accounting experts,  
40 attorneys, bond counsel, employees, and agents that are necessary  
41 for the accomplishment of the district's purpose and fix their  
42 compensation.



(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

- (A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or
- (B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district.

SECTION 4. IC 13-26-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. (a) A district may not incur any indebtedness under this chapter without first obtaining the approval of the county fiscal body in which the district is located.**

**(b) If a district contains territory in more than one (1) county, the district shall first obtain the approval of the county fiscal body of the county that contains more than fifty percent (50%) of the district's service area before the district may incur any indebtedness under this chapter.**

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to the appropriate interim study committee the task of studying whether to transfer administrative duties under IC 13-26 from the department of environmental management to another agency or entity.

**(b) This SECTION expires December 31, 2026.**

## **SECTION 6. An emergency is declared for this act.**

