



STATE LEGISLATIVE UPDATE

April 5, 2019

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2019 Indiana General Assembly Week 13

- ▲ Week 13 of the 2019 legislative session is complete. The target final adjournment date for the General Assembly is Friday April 26th, basically three weeks from now. Overall activity at the State House this week was fast and furious, with Tuesday and Thursday next week being the deadline for the workhorses of the legislative process – the committees— to complete their work for the second half of session.
 - ▲ The 2nd Reading deadline in the House and Senate is April 11th and 15th, respectively. 3rd Reading deadlines in the House and Senate are April 15th and 16th, respectively. Then it's on to the conference committee process where compromises will be worked out on bills that have been amended in the other chamber. Over the next 3 weeks, numerous issues will be addressed, including the new two year \$34 billion state budget, several education matters, gaming, and various other local government and economic development initiatives. Let's just say the next three weeks will be busy.
- Here's a quick look at some of this week's legislative activities:**
- ▲ Senate Bill 198 became the session's bias crimes legislation through a 2nd Reading amendment last week in the House of Representatives. The House approved the bill and sent it back to the Senate for concurrence or dissent. The Senate concurred with the House version by a vote of 34-14. Governor Holcomb signed SB 198 into law on Wednesday, and it takes effect July 1, 2019.
 - ▲ Senate Bill 535, which concerns the extraterritorial jurisdiction of municipalities, was heard in committee on Tuesday. The committee approved it by a vote of 11-0. Three amendments were added to the bill in committee that: 1) cap the cost a political subdivision must pay for publication of public notices; 2) gives eminent domain authority

to municipal airport boards within 4 miles outside the corporate boundaries of a municipality; and 3) provides some grandfathering provisions from some comprehensive plans adopted by municipal planning commissions. This bill likely will be sent to a conference committee to work out differences between the Senate and House approved versions of the bill.

- ▲ Senate Bill 94, the only annexation legislation still moving through the legislature at this point, was approved by the full House this week by a vote of 91-3. SB 94 was reduced to a summer study committee last week in committee, for the purpose of examining Indiana's annexation laws. The bill now goes back to the Senate for concurrence or dissent. The bill's author, Senator Phil Boots (R-Crawfordsville), has not indicated if he will take SB 94 to a conference committee.
- ▲ House Bill 1405, the data center bill, amended and approved by the full Senate, will be going to a conference committee to work out differences between the version the Senate passed and the previously approved House bill.
- ▲ After being approved by the full House last week, a concurrence motion was approved by the Senate on Senate Bill 471. SB 471 increases penalties for those who trespass or vandalize property that is considered a "critical infrastructure facility." Examples of these types of facilities would be a fenced-in area that houses telecommunications equipment, a power substation facility, gas pipelines, and chemical plants, among others. The measure faced criticism from some organizations that believe the bill could infringe on First Amendment (free speech) rights to peacefully protest near properties that have these types of facilities on them. The Senate voted 39-7 to send the bill on to the Governor for his signature into law.



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- ▲ The House Energy, Utilities and Telecommunications Committee met this week. Legislation considered by the committee included Senate Bills 193, 460, 517, and 472.
- ▲ Senate Bill 517 dealt with the relocation of utility facilities for road projects. The committee did not vote on the bill at the request of the Senate author. Senate Bill 193 pertains to water and sewer service connections through rights-of-way. It was approved by the committee. Senate Bill 460, which seeks to ease restrictions that broadband providers encounter when utilizing public rights-of-way, was considered by the committee. An amendment was offered to the bill which would establish a rural broadband grant program for qualified rural broadband projects both before August 1, 2019 under existing statutes governing grants and then after that under new procedures for qualified rural broadband projects. Also in the amendment are definitions of the term “rural area”, which would be defined as an unincorporated area or a small municipality that meets guidelines created by the Office of Community and Rural Affairs. SB 460 was held and will be voted on next week at the committee’s last meeting of the session.
- ▲ Senate Bill 472 is legislation pertaining to municipal water utilities and proposes some changes to the distressed utility statute. The more relevant part of the committee discussion focused on the amendment offered two weeks ago by Chairman Ed Soliday (R-Valparaiso) that creates the 21st Century Energy Policy Development Task Force. The energy task force would examine all aspects of Indiana’s overall electric generation portfolio, and whether or not Indiana is positioned with the right mix of resources to meet our future needs. This amendment was approved. Another amendment was put forth by Chairman Soliday that calls for the Indiana Utility Regulatory Commission (IURC) to do a comprehensive study of the statewide impact of changes in fuel sources used for electricity generation, as well as new technologies utilized in the generation of

energy. The amendment requires the IURC to provide a progress report to the Interim Study Committee on Energy, Utilities and Telecommunications during the 2019 interim, and to provide a final report to the Governor, Legislative Council, and the Energy Task Force (established in the other amendment to SB 472) no later than July 1, 2020. Additionally, the amendment places in abeyance (suspends) any final IURC approvals of filings for a Certificate of Public Convenience and Necessity (CPCN) or purchase power agreements that are over a 250 MW threshold until January 1, 2021. The committee approved SB 472, as amended, along party lines, 8-4.

- ▲ As previously reported, House Bill 1347 continues to move through the process and was approved by the Senate, 42-5. This legislation concerns all municipalities in Indiana that provide municipal utility services (water, wastewater, electric, etc.). HB 1347 stipulates that a municipality cannot hold a property owner (landlord) accountable for a renter’s utility bill IF the utility service agreement is in the renter’s name. The bill does not preclude a utility from having the utility service contract in the renter AND the property owner’s name. We continue to believe that there are local processes in place that will allow municipal utilities to continue to work with property owners and tenants. We were successful in getting onerous regulatory language out of the introduced bill, and kept some troubling amendments at bay, as well.
- ▲ Please see the tracking list for additional information on these bills, and many others.
- ▲ With three weeks to go, there is a lot of work to be done. There is plenty of time for crazy things to happen. Stay tuned!