



Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	3

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-1-1-3, AS AMENDED BY P.L.136-2018,
- 4 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2021]: Sec. 3. (a) The members of the commission shall meet
- 6 and organize the commission. The commission may, subject to the
- 7 approval of the governor, appoint a secretary of the commission.
- 8 (b) The salaries of the members and secretary of the commission
- 9 shall be fixed by the governor, subject to the approval of the budget
- 10 agency; however, the salaries of the chairman and the members shall
- 11 not be less than the following annual minimum amounts:
- 12 (1) For the chairman, sixty-five thousand dollars (\$65,000).
- 13 (2) For the members, sixty thousand dollars (\$60,000) each.

1 (c) The commission may appoint one (1) or more administrative law
2 judges who shall be responsible to and serve at the will and pleasure of
3 the commission. While serving, the administrative law judges shall
4 devote full time to the duties of the commission and shall not be
5 actively engaged in any other occupation, profession, or business that
6 constitutes a conflict of interest or otherwise interferes with carrying
7 out their duties as administrative law judges. The salary of each
8 administrative law judge shall be fixed by the commission subject to
9 the approval of the budget agency but may not be less than the
10 following annual amounts:

11 (1) For the chief administrative law judge, forty-five thousand
12 dollars (\$45,000).

13 (2) For all other administrative law judges, forty thousand dollars
14 (\$40,000).

15 (d) A majority of the commission members shall constitute a
16 quorum.

17 (e) On order of the commission any one (1) member of the
18 commission, or an administrative law judge, may conduct a hearing or
19 an investigation, and take evidence in the hearing or investigation, and
20 report on the hearing or investigation to the commission for the
21 commission's consideration and action; however, a hearing concerning
22 a request for a general increase in the basic rates and charges of a
23 utility in an amount exceeding twenty million dollars (\$20,000,000)
24 may only be conducted by one (1) or more commission members.

25 (f) Each member of the commission shall give bond in the sum of
26 ten thousand dollars (\$10,000) for the faithful performance of the
27 member's duties. Such bond shall be filed with the secretary of state.

28 (g) The commission shall formulate rules necessary or appropriate
29 to carry out this chapter, and shall perform the duties imposed by law
30 upon it, **including consulting with the Indiana state department of**
31 **agriculture and the department of natural resources in studying**
32 **and making findings and recommendations concerning the**
33 **potential role of the state in a voluntary carbon credit market, as**
34 **required by IC 15-11-16-1.**

35 (h) The commission may:

36 (1) employ, with the approval of the governor and the state budget
37 agency, sufficient professional staff, including specialists,
38 technicians, and analysts, who are exempt from the job

1 classifications and compensation schedules established under
 2 IC 4-15; and
 3 (2) purchase, lease, or otherwise acquire for the commission's
 4 internal use sufficient technical equipment necessary for the
 5 commission to carry out its statutory duties.

6 SECTION 2. IC 8-1-1-16.1 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2021]: **Sec. 16.1. (a) As used in this chapter, "electric utility"**
 9 **means an electric utility (as defined in IC 8-1-8.5-3.1(a)) that is**
 10 **under the jurisdiction of the commission for the approval of rates**
 11 **and charges.**

12 **(b) As used in this section, "federal phaseout mandate" means**
 13 **any federal statutory or regulatory requirement that requires the**
 14 **phaseout or discontinuance of a particular type of electric**
 15 **generating facility, technology, or fuel source.**

16 **(c) In the commission's deliberations in a general rate case of an**
 17 **electric utility, the commission shall consider federal phaseout**
 18 **mandates in providing for depreciation under IC 8-1-2-21.**

19 SECTION 3. IC 8-1-2-21 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: **Sec. 21. Subject to IC 8-1-1-16.1,** the
 21 commission shall provide for such depreciation in fixing the rates, tolls,
 22 and charges to be paid by the public.

23 SECTION 4. IC 8-1-8.5-3.2 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2021]: **Sec. 3.2. (a) This section applies to an electric utility that**
 26 **submits an integrated resource plan described in section 3(e) of this**
 27 **chapter after June 30, 2021.**

28 **(b) Except as otherwise provided in this section, the definitions**
 29 **in 170 IAC 4-7 apply throughout this section.**

30 **(c) As used in this section, "electric utility" refers to an electric**
 31 **utility listed in 170 IAC 4-7-2(a).**

32 **(d) As used in this section, "federal phaseout mandate" means**
 33 **any federal statutory or regulatory requirement that requires the**
 34 **phaseout or discontinuance of a particular type of electric**
 35 **generating facility, technology, or fuel source.**

36 **(e) In reviewing an integrated resource plan submitted by an**
 37 **electric utility after June 30, 2021, the commission shall evaluate**
 38 **the impact of federal phaseout mandates on the depreciation of**

1 **both:**
 2 **(1) the existing electric generating facilities; and**
 3 **(2) any proposed electric generating facilities of the electric**
 4 **utility;**
 5 **as set forth in the integrated resource plan.**

6 SECTION 5. IC 8-1-8.5-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. **(a) As used in this**
 8 **section, "federal phaseout mandate" means any federal statutory**
 9 **or regulatory requirement that requires the phaseout or**
 10 **discontinuance of a particular type of electric generating facility,**
 11 **technology, or fuel source.**

12 **(b)** In acting upon any petition for the construction, purchase, or
 13 lease of any facility for the generation of electricity, the commission
 14 shall take into account **the following:**

15 (1) The applicant's current and potential arrangement with other
 16 electric utilities for:

- 17 (A) the interchange of power;
- 18 (B) the pooling of facilities;
- 19 (C) the purchase of power; and
- 20 (D) joint ownership of facilities. ~~and~~

21 (2) Other methods for providing reliable, efficient, and
 22 economical electric service, including the refurbishment of
 23 existing facilities, conservation, load management, cogeneration
 24 and renewable energy sources.

25 **(3) The impact of federal phaseout mandates on the**
 26 **depreciation of both the existing and proposed electric**
 27 **generating facilities of the applicant."**

28 Page 2, between lines 35 and 36, begin a new line block indented
 29 and insert:

30 **"(2) the Indiana utility regulatory commission;"**.

31 Page 2, line 36, delete "(2)" and insert "(3)".

32 Page 2, line 37, delete "(3)" and insert "(4)".

33 Page 2, line 38, delete "(4)" and insert "(5)".

34 Page 2, line 39, delete "(5)" and insert "(6)".

- 1 Page 2, line 41, delete "(6)" and insert "(7)".
- 2 Page 3, line 2, delete "(7)" and insert "(8)".
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 373 as printed April 5, 2021.)

and when so amended that said bill do pass.

Representative Torr

