

HOUSE BILL No. 1285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-1.1.

Synopsis: Utility consumer counselor advisory council. Revises the membership of the advisory council to the office of the utility consumer counselor. Requires the advisory council to approve certain employment and compensation decisions of the utility consumer counselor. Requires the utility consumer counselor to provide a detailed breakdown (rather than a summary as required by current law) of the costs associated with certain activities in an annual report to the interim study committee on energy, utilities, and telecommunications. Requires the advisory council to develop and revise every three years metrics to measure the performance of the utility consumer counselor in promoting affordability, resiliency, and reliability of utility systems. Requires the advisory council to meet before October 1, 2020, to organize under the amended membership statute.

Effective: July 1, 2020.

VanNatter

January 14, 2020, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1285

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

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

1 SECTION 1. IC 8-1-1.1-6.1, AS AMENDED BY P.L.149-2016,
2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 6.1. (a) The consumer counselor may employ and
4 fix the compensation of, with the approval of the governor, ~~and~~ the
5 budget agency, **and the council**, accountants, utility economists,
6 engineers, attorneys, stenographers, or other assistance necessary to
7 carry out the duties of the office. The compensation of the consumer
8 counselor and the counselor's staff shall be paid from an appropriation
9 made for that purpose by the general assembly, or with the approval of
10 the governor and the budget agency, from a contingency fund
11 established under IC 8-1-6-1.

12 (b) The consumer counselor may make use of engineers, experts,
13 and accountants employed by the commission or the Indiana
14 department of transportation and direct them to make appraisals and
15 audits in the performance of the consumer counselor's duties under this
16 chapter and IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor
17 shall have access to the records and files of the commission or the



- 1 Indiana department of transportation.
- 2 (c) The consumer counselor may employ, with the **written** approval
- 3 of the governor, ~~and~~ the budget agency, **and the council**, additional
- 4 stenographers, examiners, experts, engineers, assistant counselors,
- 5 accountants, and consulting firms with expertise **that is:**
- 6 (1) in utility, motor carrier, or railroad economics, ~~or~~
- 7 management, or both; **and**
- 8 (2) **material to a particular case or investigation and not**
- 9 **otherwise reasonably available through existing staff or other**
- 10 **parties.**
- 11 **Individuals employed under this subsection may be employed at**
- 12 salaries and compensation and for a length of time as the governor, ~~and~~
- 13 the budget agency, **and the council** may approve for a particular case
- 14 or investigation. The compensation for the additional personnel
- 15 together with the cost of transportation, hotel, telegram, and telephone
- 16 bills while traveling on public business shall be paid from the expert
- 17 witness fee account, or, with the approval of the governor and the
- 18 budget agency, from a contingency fund established under IC 8-1-6-1
- 19 on warrants drawn by the auditor of state, sworn to by the parties who
- 20 incurred the expenses.
- 21 (d) Expenses incurred by the regular staff of the office and approved
- 22 by the consumer counselor **and the council**, or an expense incurred by
- 23 the commission or the Indiana department of transportation under
- 24 subsection (b), shall be charged and paid in the manner provided in
- 25 IC 8-1-2-70 or IC 8-1-6, whichever is appropriate under the
- 26 circumstances.
- 27 (e) Nothing in this chapter may be construed to prevent a party
- 28 interested in a proceeding, suit, or action from appearing in person or
- 29 from being represented by counsel.
- 30 (f) Persons hired by the consumer counselor as provided by this
- 31 section are exempt from the job classifications and compensation
- 32 schedules established under IC 4-15.
- 33 (g) The consumer counselor may purchase, lease, or otherwise
- 34 acquire sufficient technical equipment necessary for the consumer
- 35 counselor to carry out the consumer counselor's statutory duties.
- 36 (h) The consumer counselor may submit to the budget agency a
- 37 request for funds sufficient to carry out any new duties or
- 38 responsibilities created under IC 8-1-39-12(b). The consumer
- 39 counselor shall include in its annual report to the interim study
- 40 committee on energy, utilities, and telecommunications:
- 41 (1) a description of its activities under IC 8-1-39-12(b); and
- 42 (2) a **summary detailed breakdown** of the costs associated with



1 those activities.

2 SECTION 2. IC 8-1-1.1-7, AS AMENDED BY P.L.53-2014,
3 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 7. (a) There is created the advisory council to the
5 office of the utility consumer counselor. The council consists of ~~nine~~
6 ~~(9)~~ members. Each Indiana congressional district must be represented
7 by at least one ~~(1)~~ individual appointed under this section who is a
8 resident of that congressional district. However, the reduction in
9 membership of the council from ten ~~(10)~~ members to nine ~~(9)~~ shall be
10 accomplished as the terms of members end and new members are
11 appointed. Until the expiration of the term of a member who is serving
12 on the council on January 1, 2014, and resides in the same
13 congressional district as another member, the council consists of ten
14 ~~(10)~~ members: the following members:

15 (1) One ~~(1)~~ member appointed by the speaker of the house of
16 representatives.

17 (2) One ~~(1)~~ member appointed by the minority leader of the
18 house of representatives.

19 (3) One ~~(1)~~ member appointed by the president pro tempore
20 of the senate.

21 (4) One ~~(1)~~ member appointed by the minority leader of the
22 senate.

23 (5) One ~~(1)~~ member appointed by the governor who must be
24 a state employee.

25 (6) Three ~~(3)~~ members appointed by the governor, each
26 representing one ~~(1)~~ of the following interests:

27 (A) Agriculture.

28 (B) Industry.

29 (C) Utility consumers.

30 (7) One ~~(1)~~ member appointed by the governor who must be
31 an engineer or have experience in the design and construction
32 of utility systems.

33 (8) Two ~~(2)~~ members appointed by the governor who are
34 members of the general public and are not described by
35 subdivision (6) or (7).

36 **The members of the council may not be members of the general**
37 **assembly.**

38 (b) Members of the council, including those filling vacancies
39 occurring in the council membership, shall be appointed by the
40 governor. **The members appointed under subsection (a)(1) and**
41 **(a)(3) shall serve as the co-chairs of the council.** All members shall
42 be appointed to a term of four (4) years, except those who have been



1 appointed to fill a vacancy in the council whose term will be the
 2 unexpired portion of the term. All members shall serve until their
 3 successor has been duly appointed and qualified.

4 ~~(c) The membership shall be representative of the various sectors of~~
 5 ~~Indiana economy, including, but not limited to: agriculture, business~~
 6 ~~and industry, labor, and local government.~~

7 ~~(d) The members shall annually elect of themselves a chairman.~~

8 ~~(e) (c) Members of the council who are not state employees~~ are
 9 entitled to receive per diem and travel expense reimbursement at the
 10 standard rates provided for state employees for expenses they incur in
 11 the performance of their duties under this chapter. ~~subject to the~~
 12 ~~approval of the consumer counselor.~~

13 **(d) A member of the council who is a state employee is not**
 14 **entitled to receive a per diem. However, a member who is a state**
 15 **employee is entitled to reimbursement for travel expenses and**
 16 **other expenses actually incurred in connection with the member's**
 17 **duties, as provided in the state travel policies and procedures**
 18 **established by the Indiana department of administration and**
 19 **approved by the budget agency.**

20 **(e) A majority of the members of the council constitutes a**
 21 **quorum for the transaction of official business.**

22 **(f) The affirmative vote of at least a majority of the members**
 23 **present at a meeting at which a quorum is present is necessary for**
 24 **the council to take official action in any manner other than to take**
 25 **testimony.**

26 SECTION 3. IC 8-1-1.1-8.1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.1. (a) The council
 28 shall meet at the call of the ~~chairman~~ **co-chairs** or the consumer
 29 counselor.

30 (b) The council shall receive, review, and advise the consumer
 31 counselor with respect to problems and concerns of ratepayers and
 32 consumers arising from the regulation of utilities, motor carriers, or
 33 railroads in Indiana. The office of consumer counselor shall provide
 34 necessary clerical and staff assistance for the council.

35 **(c) The council shall develop and revise every three (3) years**
 36 **metrics to measure the performance of the consumer counselor in**
 37 **promoting:**

38 **(1) affordability;**

39 **(2) resiliency; and**

40 **(3) reliability;**

41 **of utility systems in accordance with IC 8-1-2-0.5.**

42 SECTION 4. [EFFECTIVE JULY 1, 2020] **(a) The advisory**



1 **council to the office of the utility consumer counselor shall meet**
2 **before October 1, 2020, to organize under IC 8-1-1.1-7, as amended**
3 **by this act.**
4 **(b) This SECTION expires June 30, 2021.**

