



March 8, 2019

ENGROSSED SENATE BILL No. 4

DIGEST OF SB 4 (Updated March 6, 2019 3:46 pm - DI 101)

Citations Affected: IC 2-5; IC 5-1.2; IC 8-1; IC 13-11; IC 13-18.

Synopsis: Water and wastewater utilities and runoff. Establishes a storm water management task force to study issues related to storm water management systems. Provides for the task force to consist of: (1) two members of the senate; (2) two members of the house; and (3) other members appointed by the governor. Requires the task force to issue a report setting forth its findings and recommendations not later than December 1, 2019. Provides that the Indiana finance authority (IFA) shall coordinate the executive branch activities related to the state's water programs. Prescribes the duties of the authority in serving in this role. Requires the IFA to divide Indiana into study areas and to
(Continued next page)

Effective: Upon passage; July 1, 2019.

**Charbonneau, Glick, Niezgodski,
Merritt, Koch, Houchin,
Randolph Lonnie M, Leising, Zay,
Stoops, Ford J.D., Perfect, Doriot,
Garten, Buck, Spartz**

(HOUSE SPONSORS — SOLIDAY, HAMILTON)

January 10, 2019, read first time and referred to Committee on Utilities.
January 22, 2019, amended, reported favorably — Do Pass.
January 24, 2019, read second time, ordered engrossed. Engrossed.
January 28, 2019, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Utilities, Energy and Telecommunications.
March 7, 2019, amended, reported — Do Pass.

ES 4—LS 6711/DI 55



Digest Continued

hold annual meetings with the officers and employees of the water and wastewater utilities located in each study area. Authorizes the utilities within a study area to meet voluntarily to determine area water and wastewater priorities, promote cooperation among the utilities, and consider other matters. Requires biennial reports from the utilities of each study area and from the IFA on the cooperative activities of the utilities. Provides that a utility applying to the IFA for a loan, a grant, or other financial assistance must demonstrate that its officers and employees have participated in study area activities. Requires every water utility, at least once in each calendar year, to perform an audit of its water distribution system to determine the causes of the water utility's "non-revenue water" (the difference between the amount of water entering the utility's distribution system and the amount of water received by the water utility's customers). In even-numbered years, requires the results of the annual audit to be verified by an independent evaluator and reported to the IFA and requires the IFA to issue a report concerning the audit results. Specifies that: (1) customer specific data, including information excluded from public access under Indiana's access to public records act; and (2) a required cybersecurity plan; submitted in connection with an application for a permit for a public water system or a wastewater treatment plant is exempt from the requirement that certain required analyses and plans must be made publicly available. Amends the definition of "customer lead service line improvement".

ES 4—LS 6711/DI 55



March 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 4

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 2-5-45.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 45.4. Storm Water Management Task Force**

5 **Sec. 1. As used in this chapter, "task force" refers to the storm**
6 **water management task force established by section 2 of this**
7 **chapter.**

8 **Sec. 2. The storm water management task force is established.**

9 **Sec. 3. The task force consists of the following members:**

10 **(1) Two (2) members of the senate, of whom:**

11 **(A) one (1) shall be appointed by the president pro**
12 **tempore, and shall serve as co-chair of the task force; and**

13 **(B) one (1) shall be appointed by the minority leader of the**
14 **senate.**

15 **(2) Two (2) members of the house of representatives, of**
16 **whom:**

17 **(A) one (1) shall be appointed by the speaker, and shall**

ES 4—LS 6711/DI 55



- 1 serve as co-chair of the task force; and
 2 **(B) one (1) shall be appointed by the minority leader of the**
 3 **house of representatives.**
- 4 **(3) One (1) or more officers or employees of the state of**
 5 **Indiana appointed by the governor.**
- 6 **(4) One (1) or more individuals appointed by the governor to**
 7 **represent the interests of the operators of storm water**
 8 **management systems.**
- 9 **(5) One (1) or more engineers or other professionals who have**
 10 **the expertise in the design and construction of storm water**
 11 **management systems and who are appointed by the governor.**
- 12 **(6) One (1) or more individuals appointed by the governor to**
 13 **represent the interests of landowners and others who**
 14 **constitute the source of funding for storm water management**
 15 **systems.**
- 16 **(7) Two (2) individuals appointed by the governor who have**
 17 **expertise in storm water management in the agricultural**
 18 **sector.**
- 19 **(8) One (1) or more members of the general public who are**
 20 **not described in subdivisions (4) through (7) and who are**
 21 **appointed by the governor.**
- 22 **Sec. 4. (a) A majority of the members of the task force**
 23 **constitutes a quorum.**
- 24 **(b) The affirmative vote of at least a majority of the members of**
 25 **the task force is necessary for the task force to take official action**
 26 **other than to meet and take testimony.**
- 27 **(c) The task force shall meet at the call of the co-chairs.**
- 28 **Sec. 5. All meetings of the task force shall be open to the public**
 29 **in accordance with and subject to IC 5-14-1.5. All records of the**
 30 **task force shall be subject to the requirements of IC 5-14-3.**
- 31 **Sec. 6. The task force shall study issues related to storm water**
 32 **management systems.**
- 33 **Sec. 7. The task force shall:**
- 34 **(1) issue a report setting forth its findings and**
 35 **recommendations under this chapter; and**
- 36 **(2) not later than December 1, 2019, submit the report:**
- 37 **(A) in an electronic format under IC 5-14-6 to the**
 38 **executive director of the legislative services agency for**
 39 **distribution to the members of the general assembly; and**
 40 **(B) to the governor.**
- 41 **Sec. 8. The legislative services agency shall provide staff support**
 42 **to the task force.**



1 **Sec. 9. This chapter expires January 1, 2020.**

2 SECTION 2. IC 5-1.2-11.5-5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) For the purposes of this**
5 **chapter, the authority shall divide the state of Indiana into study**
6 **areas.**

7 **(b) Each study area created under this section must consist of**
8 **multiple counties. In selecting the counties to comprise each study**
9 **area, the authority may consider similarities among the counties**
10 **in:**

- 11 (1) the watersheds in which they are located;
12 (2) the water sources that are available in them; and
13 (3) any other factors the authority considers relevant.

14 SECTION 3. IC 5-1.2-11.5-6 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: **Sec. 6. (a) The authority shall hold an**
17 **annual meeting with the officers and employees of the utilities**
18 **located in each study area created under section 5 of this chapter**
19 **to:**

- 20 (1) set expectations for the utilities' activities under this
21 section;
22 (2) provide training; and
23 (3) conduct communications;

24 as the authority considers appropriate.

25 **(b) In addition to attending the annual meetings held under**
26 **subsection (a), the utilities in each study area may meet voluntarily**
27 **on a periodic basis as they consider appropriate.**

28 **(c) In the meetings held under subsections (a) and (b), the**
29 **utilities of a study area shall determine the water and wastewater**
30 **priorities of the study area, establish future meeting agendas, and**
31 **consider other matters related to the function of the study area,**
32 **including the following:**

- 33 (1) Promoting cooperation among the utilities located in the
34 study area.
35 (2) Promoting mutual assistance among utilities located in the
36 study area.
37 (3) Facilitating needed investment in the water and
38 wastewater infrastructure of utilities in the study area.
39 (4) Protecting public health.
40 (5) The prudent management of water resources.
41 (6) Projecting the water demand and water needs of the study
42 area for a planning horizon of at least twenty-five (25) years.



1 (d) Not later than:

2 (1) March 1, 2021; and

3 (2) March 1 of each odd-numbered year after 2021;

4 the utilities of each study area shall file a report with the authority
5 on a form provided by the authority summarizing the activities
6 undertaken by the utilities of the study area concerning the matters
7 set forth in subsection (c).

8 (e) Not later than:

9 (1) November 1, 2021; and

10 (2) November 1 of each odd-numbered year after 2021;

11 the authority shall compile a report summarizing the activities
12 undertaken by the utilities of all study areas concerning the
13 matters set forth in subsection (c).

14 (f) A utility may participate in activities undertaken under this
15 section in more than one (1) study area.

16 SECTION 4. IC 5-1.2-11.5-7 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2019]: **Sec. 7. To apply to the authority for
19 a loan, a grant, or other financial assistance from:**

20 (1) the drinking water revolving loan program established by
21 IC 5-1.2-10; or

22 (2) the water infrastructure assistance program established by
23 IC 5-1.2-14;

24 a utility must demonstrate to the authority that its officers and
25 employees have participated in study area activities under section
26 6 of this chapter.

27 SECTION 5. IC 5-1.2-11.5-8 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2019]: **Sec. 8. The authority may adopt rules
30 under IC 4-22-2 concerning the administration of this chapter,
31 including rules addressing the standard for a utility's minimum
32 participation in study area activities under section 6 of this
33 chapter.**

34 SECTION 6. IC 5-1.2-11.5-9 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) The authority shall
37 coordinate the executive branch activities related to the state's
38 water programs. The authority's duties under this section include
39 the following:**

40 (1) Serving as the executive branch coordinator of water
41 related programs and activities of the state.

42 (2) Advising state agencies and political subdivisions, and



1 coordinating their activities, regarding best practices
 2 concerning the best use of funding streams and incentives in
 3 the manner most likely to achieve comprehensive water
 4 related data collection and regional collaboration in water
 5 and wastewater service.

6 (3) Promoting and coordinating the collection and sharing of
 7 information throughout Indiana concerning water and
 8 wastewater service.

9 (4) Providing leadership regarding investment, affordability,
 10 supply, and economic development related to water and
 11 wastewater service.

12 (b) All instrumentalities, agencies, authorities, boards, and
 13 commissions of the state, including the management performance
 14 hub established by IC 4-3-26, shall cooperate with and provide
 15 assistance to the authority in carrying out the authority's duties
 16 under this section.

17 (c) In carrying out the authority's duties under this section, the
 18 authority shall use any data the authority acquires in a manner
 19 that:

20 (1) protects the confidential information of individual water
 21 utilities and customers; and

22 (2) is consistent with IC 5-14-3-4.

23 SECTION 7. IC 8-1-30.8 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]:

26 **Chapter 30.8. Non-Revenue Water Audits**

27 **Sec. 1.** As used in this chapter, "authority" refers to the Indiana
 28 finance authority established by IC 5-1.2-3.

29 **Sec. 2.** As used in this chapter, "commission" refers to the
 30 Indiana utility regulatory commission created by IC 8-1-1-2.

31 **Sec. 3.** As used in this chapter, "non-revenue water" means the
 32 difference between:

33 (1) the volume of water entering a water utility's water
 34 distribution system; and

35 (2) the volume of water:

36 (A) that is received by the water utility's customers; and

37 (B) for which the water utility bills its customers.

38 **Sec. 4.** As used in this chapter, "water utility" means:

39 (1) a public utility (as defined in IC 8-1-2-1(a));

40 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));

41 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));

42 (4) a cooperatively owned corporation;



1 (5) a conservancy district established under IC 14-33; or
 2 (6) a regional water district established under IC 13-26;
 3 that provides water service to the public in Indiana for a fee.

4 **Sec. 5.** At least once in each calendar year, a water utility shall
 5 perform an audit of its water distribution system in accordance
 6 with accepted industry standards as determined appropriate by the
 7 authority to determine the causes of the water utility's non-revenue
 8 water.

9 **Sec. 6. (a)** The results of:

10 (1) the audit performed by a water utility under section 5 of
 11 this chapter during calendar year 2020; and

12 (2) the audit performed by a water utility under section 5 of
 13 this chapter during each even-numbered calendar year after
 14 2020;

15 must be verified by an independent evaluator who is not employed
 16 by the water utility except for purposes of the evaluation of audits
 17 under this section.

18 **(b)** The results of an audit performed by a water utility under
 19 section 5 of this chapter during an even-numbered calendar year,
 20 as verified by an independent evaluator under subsection (a), must
 21 be submitted to the authority by August 1 of the year during which
 22 the audit is performed.

23 **Sec. 7.** Beginning in 2020, during each even-numbered year the
 24 authority shall:

25 (1) compile the verified results it receives under section 6(b)
 26 of this chapter;

27 (2) before December 15, prepare a report that:

28 (A) summarizes the information contained in the verified
 29 audit results; and

30 (B) presents observations based on the information in the
 31 verified audit results that the authority decides to include;
 32 and

33 (3) deliver an electronic copy of the report to the executive
 34 director of the legislative services agency under IC 5-14-6.

35 **Sec. 8.** To apply to the authority for a loan, a grant, or other
 36 financial assistance from:

37 (1) the drinking water revolving loan program established by
 38 IC 5-1.2-10; or

39 (2) the water infrastructure assistance program established by
 40 IC 5-1.2-14;

41 a water utility must demonstrate to the authority that it has
 42 complied with this chapter.



1 **Sec. 9. The authority may adopt rules under IC 4-22-2**
 2 **concerning the administration of this chapter, including rules**
 3 **addressing the minimum qualifications of individuals who may act**
 4 **as independent evaluators under section 6(b) of this chapter.**

5 SECTION 8. IC 8-1-31.6-2, AS ADDED BY P.L.91-2017,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 2. As used in this chapter, "customer lead service
 8 line improvement" means an expenditure that is:

9 (1) related to:

10 (A) a lead service line; or

11 (B) a galvanized steel service line;

12 owned by a customer of a water utility;

13 (2) made by a water utility; and

14 (3) related to a water utility's plan to replace lead service lines
 15 within or connected to the water utility's system, including lines
 16 owned by the customer and lines owned by the water utility.

17 SECTION 9. IC 13-11-2-140.8 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2019]: **Sec. 140.8. (a) "Noncommunity public**
 20 **water system" means a public water system that:**

21 (1) has at least fifteen (15) service connections used by
 22 nonresidents; or

23 (2) regularly serves an average of at least twenty-five (25)
 24 nonresident individuals daily for at least sixty (60) days per
 25 year.

26 (b) The term includes:

27 (1) a nontransient noncommunity water system, as defined in
 28 section 142.7 of this chapter; and

29 (2) a transient noncommunity water system, as defined in
 30 section 237.5 of this chapter;

31 **that meets the description set forth in subsection (a).**

32 SECTION 10. IC 13-11-2-177.3, AS AMENDED BY P.L.189-2018,
 33 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2019]: Sec. 177.3. "Public water system", for
 35 purposes of this chapter, IC 13-18-11, IC 13-18-16, IC 13-18-20.5,
 36 **IC 13-18-26**, and other environmental management laws, has the
 37 meaning set forth in 42 U.S.C. 300f.

38 SECTION 11. IC 13-11-2-258, AS AMENDED BY P.L.126-2018,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 258. (a) "Wastewater treatment plant", for
 41 purposes of IC 13-18-11 ~~IC 13-18-26~~, and IC 13-20-17.5, and
 42 environmental management laws, means the system of treatment



1 works, regulatory devices, equipment, and other facilities and
 2 appurtenances installed to treat sewage, industrial wastes, and other
 3 wastes delivered by a system of sewers and other related facilities,
 4 whether owned or operated by the state, a municipality, or a person,
 5 firm, or corporation. The term does not include septic tank disposal
 6 systems.

7 **(b) "Wastewater treatment plant", for purposes of IC 13-18-26,**
 8 **means the system of treatment works, regulatory devices,**
 9 **equipment, and other facilities and appurtenances installed to treat**
 10 **sewage and other wastes that are delivered by a system of sewers**
 11 **and other related facilities, regardless of whether the system of**
 12 **treatment works, regulatory devices, equipment, and other**
 13 **facilities and appurtenances is owned or operated by the state, a**
 14 **municipality, a person, a firm, or a corporation. The term does not**
 15 **include a system that is installed by a company or industry and**
 16 **used to treat industrial wastes prior to discharge of the wastewater**
 17 **in accordance with a permit issued by the department or another**
 18 **entity to which permitting authority has been delegated.**

19 SECTION 12. IC 13-18-26-1, AS ADDED BY P.L.126-2018,
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 1. (a) **Except as provided in subsection (c), a**
 22 **permit required under IC 13-18-16** for the operation of a **water**
 23 **treatment plant or a wastewater treatment plant that is:**

24 (1) issued; or

25 (2) amended for the purposes of:

26 (A) the inclusion of a newly constructed or newly acquired
 27 plant; or

28 (B) the expansion of an existing plant;

29 under this article after June 30, 2018; is subject to the requirements set
 30 forth in sections 2 through 6 of this chapter. **public water system may**
 31 **not be issued unless the application contains the certification of**
 32 **completion required under section 2 of this chapter.**

33 **(b) Except as provided in subsection (c), the department may**
 34 **not issue a permit required under environmental management laws**
 35 **for the discharge from a wastewater treatment plant, as defined in**
 36 **IC 13-11-2-258(b), unless the application contains the certification**
 37 **of completion required under section 2 of this chapter.**

38 ~~(b)~~ **(c) The requirement of a certification of completion under**
 39 **section 2 of this chapter does not apply to the following:**

40 **(1) A noncommunity public water system that has fewer than**
 41 **fifteen (15) service connections used by year-round residents.**

42 **(2) A noncommunity public water system that regularly**



1 serves fewer than twenty-five (25) year-round residents.

2 **(3) A permit for the modification or expansion of a drinking**
 3 **water treatment plant that does not increase system design**
 4 **capacity.**

5 **(4) A permit for a wastewater treatment plant with an**
 6 **average design flow of not more than one hundred thousand**
 7 **(100,000) gallons per day.**

8 **(5) A permit for the modification or expansion of a**
 9 **wastewater treatment plant that does not increase average**
 10 **design flow.**

11 **(6) The renewal of a an NPDES permit for the operation of a**
 12 **water treatment plant or discharge from a wastewater treatment**
 13 **plant that does not include a modification or expansion as**
 14 **described in subdivision (5).**

15 SECTION 13. IC 13-18-26-2, AS ADDED BY P.L.126-2018,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 2. A permit described in section 1(a) **or 1(b)** of
 18 this chapter may not be issued unless the applicant submits, along with
 19 the permit application, a certification that all of the following
 20 documents have been prepared and are complete under the
 21 requirements of this chapter:

22 (1) A life cycle cost-benefit analysis, as described in section 3 of
 23 this chapter.

24 (2) A capital asset management plan, as described in section 4 of
 25 this chapter.

26 (3) A cybersecurity plan, as described in section 5 of this chapter.

27 SECTION 14. IC 13-18-26-6, AS ADDED BY P.L.126-2018,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 6. (a) The **analysis analyses** and plans described
 30 in sections 3, 4, and 5 of this chapter must be:

31 (1) complete under the requirements of this chapter at the time an
 32 application for a permit described in section 1(a) **or 1(b)** of this
 33 chapter is submitted;

34 (2) reviewed and revised at least once every five (5) years, for as
 35 long as the permit holder operates the water treatment plant or
 36 wastewater treatment plant; and

37 **(3) except for customer specific data, including information**
 38 **excluded from public access under IC 5-14-3-4(a), or for a**
 39 **cybersecurity plan required under section 5 of this chapter,**
 40 **made publicly available.**

41 (b) A certification that the **analysis analyses** and plans described in
 42 sections 3, 4, and 5 of this chapter are complete under the requirements



1 of this chapter must be submitted to the department:
2 (1) under section 2 of this chapter at the time an application for a
3 permit described in section 1(a) **or 1(b)** of this chapter is
4 submitted; and
5 (2) at least once every five (5) years after an application for a
6 permit described in section 1(a) **or 1(b)** of this chapter is
7 submitted, when the analysis and plans are reviewed and revised.
8 ~~under subsection (a)(2).~~
9 (c) A certification submitted to the department under this chapter
10 must be notarized.
11 SECTION 15. IC 13-18-26-7, AS ADDED BY P.L.126-2018,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 7. Failure to include a notarized certification with
14 an application for a permit described in section 1(a) **or 1(b)** of this
15 chapter constitutes grounds for denial of the permit application.
16 SECTION 16. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-45.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 45.4. Storm Water Management Task Force

Sec. 1. As used in this chapter, "task force" refers to the storm water management task force established by section 2 of this chapter.

Sec. 2. The storm water management task force is established.

Sec. 3. The task force consists of the following members:

(1) Two (2) members of the senate, of whom:

(A) one (1) shall be appointed by the president pro tempore, and shall serve as co-chair of the task force; and

(B) one (1) shall be appointed by the minority leader of the senate.

(2) Two (2) members of the house of representatives, of whom:

(A) one (1) shall be appointed by the speaker, and shall serve as co-chair of the task force; and

(B) one (1) shall be appointed by the minority leader of the house of representatives.

(3) One (1) or more officers or employees of the state of Indiana appointed by the governor.

(4) One (1) or more individuals appointed by the governor to represent the interests of the operators of storm water management systems.

(5) One (1) or more engineers or other professionals who have the expertise in the design and construction of storm water management systems and who are appointed by the governor.

(6) One (1) or more individuals appointed by the governor to represent the interests of landowners and others who constitute the source of funding for storm water management systems.

(7) Two (2) individuals appointed by the governor who have expertise in storm water management in the agricultural sector.



(8) One (1) or more members of the general public who are not described in subdivisions (4) through (7) and who are appointed by the governor.

Sec. 4. (a) A majority of the members of the task force constitutes a quorum.

(b) The affirmative vote of at least a majority of the members of the task force is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the co-chairs.

Sec. 5. All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall study issues related to storm water management systems.

Sec. 7. The task force shall:

(1) issue a report setting forth its findings and recommendations under this chapter; and

(2) not later than December 1, 2019, submit the report:

(A) in an electronic format under IC 5-14-6 to the executive director of the legislative services agency for distribution to the members of the general assembly; and

(B) to the governor.

Sec. 8. The legislative services agency shall provide staff support to the task force.

Sec. 9. This chapter expires January 1, 2020.

SECTION 2. IC 4-3-26-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9.5. (a) The governor shall appoint a water data officer, who serves at the pleasure of the governor.

(b) The water data officer shall do the following:

(1) Serve as the executive branch coordinator of water related programs and activities of the state.

(2) Advise executive state agencies and political subdivisions regarding best practices concerning the coordination of funding streams and incentives in the manner most likely to achieve comprehensive water related data collection and regional collaboration in water and wastewater service.

(3) Coordinate data analytics and transparency master planning and provide leadership regarding investment, affordability, supply, and economic development related to water and wastewater service."

Page 5, line 16, after "serves" insert "an average of at least".



Page 5, line 16, delete "or more".

Page 6, line 9, delete "department." and insert "**department or another entity to which permitting authority has been delegated.**".

Page 6, line 39, delete "less" and insert "**not more**".

Page 7, line 28, delete "available." and insert "available, **subject to subsection (b).**"

(b) The permit applicant or permit holder that prepared an analysis or plan to which subsection (a) applies, or a public agency (as defined in IC 5-14-3-2), may withhold information in the analysis or plan from public disclosure if the information could be excepted from inspection and copying at the discretion of a public agency under IC 5-14-3-4(b)(1) through IC 5-14-3-4(b)(28), regardless of whether the permit applicant or permit holder is a public agency."

Page 7, line 29, strike "(b)" and insert "(c)".

Page 7, line 39, strike "(c)" and insert "(d)".

Page 8, delete lines 4 through 15.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 4 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 4, 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:

Page 3, delete lines 2 through 17.

Page 5, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 6. IC 5-1.2-11.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) The authority shall coordinate the executive branch activities related to the state's water programs. The authority's duties under this section include the following:**

(1) Serving as the executive branch coordinator of water

ES 4—LS 6711/DI 55



related programs and activities of the state.

(2) Advising state agencies and political subdivisions, and coordinating their activities, regarding best practices concerning the best use of funding streams and incentives in the manner most likely to achieve comprehensive water related data collection and regional collaboration in water and wastewater service.

(3) Promoting and coordinating the collection and sharing of information throughout Indiana concerning water and wastewater service.

(4) Providing leadership regarding investment, affordability, supply, and economic development related to water and wastewater service.

(b) All instrumentalities, agencies, authorities, boards, and commissions of the state, including the management performance hub established by IC 4-3-26, shall cooperate with and provide assistance to the authority in carrying out the authority's duties under this section.

(c) In carrying out the authority's duties under this section, the authority shall use any data the authority acquires in a manner that:

(1) protects the confidential information of individual water utilities and customers; and

(2) is consistent with IC 5-14-3-4."

Page 9, line 15, delete "3 and 4" and insert "3, 4,".

Page 9, line 15, reset in roman "and 5".

Page 9, line 22, after "(3)" insert "**except for customer specific data, including information excluded from public access under IC 5-14-3-4(a), or for a cybersecurity plan required under section 5 of this chapter,**".

Page 9, line 22, delete "available, subject to subsection (b)." and insert "available.".

Page 9, delete lines 23 through 30.

Page 9, line 31, reset in roman "(b)".

Page 9, line 31, delete "(c)".



Page 9, line 41, reset in roman "(c)".

Page 9, line 41, delete "(d)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 4 as printed January 23, 2019.)

SOLIDAY

Committee Vote: yeas 10, nays 0.

