



January 26, 2021

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## SENATE BILL No. 111

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DIGEST OF SB 111 (Updated January 25, 2021 4:25 pm - DI 140)

**Citations Affected:** IC 8-1.

**Synopsis:** Moratorium on utility shut-offs. Prohibits a utility from discontinuing provision of water, electricity, gas, or sewer service to a residential customer: (1) while the state of disaster emergency declared by the governor with respect to COVID-19 remains in effect; and (2) during the period ending 90 days after the governor terminates the declared state of disaster emergency. Provides that the attorney general may bring an action in the name of the state to enjoin a violation of the prohibition.

**Effective:** Upon passage.

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### Mrvan

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January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.  
January 25, 2021, amended; reassigned to Committee on Utilities.

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SB 111—LS 6501/DI 13





January 26, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 111

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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 8-1-2-1, AS AMENDED BY P.L.145-2015,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. (a) Except as provided in section 1.1 of this  
4 chapter, "public utility", as used in this chapter, means every  
5 corporation, company, partnership, limited liability company,  
6 individual, association of individuals, their lessees, trustees, or  
7 receivers appointed by a court, that may own, operate, manage, or  
8 control any plant or equipment within the state for the:  
9 (1) conveyance of telegraph or telephone messages;  
10 (2) production, transmission, delivery, or furnishing of heat, light,  
11 water, or power; or  
12 (3) collection, treatment, purification, and disposal in a sanitary  
13 manner of liquid and solid waste, sewage, night soil, and  
14 industrial waste.  
15 The term does not include a municipality that may acquire, own, or  
16 operate any of the foregoing facilities.  
17 (b) "Municipal council", as used in this chapter, means the

SB 111—LS 6501/DI 13



1 legislative body of any town or city in Indiana wherein the property of  
2 the public utility or any part thereof is located.

3 (c) "Municipality", as used in this chapter, means any city or town  
4 of Indiana.

5 (d) "Rate", as used in this chapter, means every individual or joint  
6 rate, fare, toll, charge, rental, or other compensation of any utility or  
7 any two (2) or more such individual or joint rates, fares, tolls, charges,  
8 rentals, or other compensation of any utility or any schedule or tariff  
9 thereof, but nothing in this subsection shall give the commission any  
10 control, jurisdiction, or authority over the rate charged by a municipally  
11 owned utility except as in this chapter expressly provided.

12 (e) "Service" is used in this chapter in its broadest and most  
13 inclusive sense and includes not only the use or accommodation  
14 afforded consumers or patrons but also any product or commodity  
15 furnished by any public or other utility and the plant, equipment,  
16 apparatus, appliances, property, and facility employed by any public or  
17 other utility in performing any service or in furnishing any product or  
18 commodity and devoted to the purposes in which such public or other  
19 utility is engaged and to the use and accommodation of the public.

20 (f) "Commission", as used in this chapter, means the commission  
21 created by IC 8-1-1-2.

22 (g) **Except as provided in section 122.1 of this chapter**, "utility",  
23 as used in this chapter, means every plant or equipment within the state  
24 used for:

25 (1) the conveyance of telegraph and telephone messages;

26 (2) the production, transmission, delivery, or furnishing of heat,  
27 light, water, or power, either directly or indirectly to the public;  
28 or

29 (3) collection, treatment, purification, and disposal in a sanitary  
30 manner of liquid and solid waste, sewage, night soil, and  
31 industrial waste.

32 The term does not include a municipality that may acquire, own, or  
33 operate facilities for the collection, treatment, purification, and disposal  
34 in a sanitary manner of liquid and solid waste, sewage, night soil, and  
35 industrial waste. A warehouse owned or operated by any person, firm,  
36 limited liability company, or corporation engaged in the business of  
37 operating a warehouse business for the storage of used household  
38 goods is not a public utility within the meaning of this chapter.

39 (h) "Municipally owned utility", as used in this chapter, includes  
40 every utility owned or operated by a municipality.

41 (i) "Indeterminate permit", as used in this chapter, means every  
42 grant, directly or indirectly from the state, to any corporation, company,



1 partnership, limited liability company, individual, association of  
 2 individuals, their lessees, trustees, or receivers appointed by a court, of  
 3 power, right, or privilege to own, operate, manage, or control any plant  
 4 or equipment, or any part of a plant or equipment, within this state, for  
 5 the:

- 6 (1) production, transmission, delivery, or furnishing of heat, light,  
 7 water, or power, either directly or indirectly to or for the public;  
 8 (2) collection, treatment, purification, and disposal in a sanitary  
 9 manner of liquid and solid waste, sewage, night soil, and  
 10 industrial waste; or  
 11 (3) furnishing of facilities for the transmission of intelligence by  
 12 electricity between points within this state;

13 which shall continue in force until such time as the municipality shall  
 14 exercise its right to purchase, condemn, or otherwise acquire the  
 15 property of such public utility, as provided in this chapter, or until it  
 16 shall be otherwise terminated according to law.

17 (j) "Communications service provider", as used in this chapter, has  
 18 the meaning set forth in IC 8-1-2.6-13.

19 SECTION 2. IC 8-1-2-122.1 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: **Sec. 122.1. (a) The following definitions apply  
 22 throughout this section:**

23 (1) "Residential utility service" means the provision of:

- 24 (A) water;  
 25 (B) electricity;  
 26 (C) gas; or  
 27 (D) sewer service;

28 to one (1) or more residential customers.

29 (2) "Utility" means:

- 30 (A) a public utility;  
 31 (B) a municipal utility;  
 32 (C) a not-for-profit utility (as defined in IC 8-1-2-125(a));  
 33 (D) a subscriber owned utility;  
 34 (E) a cooperatively owned utility;  
 35 (F) a joint agency created under IC 8-1-2.2;  
 36 (G) a rural electric membership corporation formed under  
 37 IC 8-1-13;  
 38 (H) a department of public utilities under IC 8-1-11.1;  
 39 (I) a regional district established under IC 13-26;  
 40 (J) a conservancy district established under IC 14-33;  
 41 (K) an electric cooperative organized under IC 23-17;  
 42 (L) a municipal sanitation department under IC 36-9-23;



1                   **or**  
2                   **(M) a sanitary district under IC 36-9-25;**  
3                   **that provides residential utility service.**  
4                   **(b) Except as provided in subsection (c), and notwithstanding**  
5                   **any other law, a utility may not discontinue residential utility**  
6                   **service to a residential customer:**  
7                   **(1) while the state of disaster emergency declared in Executive**  
8                   **Order 20-02, and renewed in subsequent executive orders,**  
9                   **remains in effect; and**  
10                   **(2) during the period:**  
11                   **(A) beginning upon the governor's termination of the state**  
12                   **of disaster emergency; and**  
13                   **(B) ending ninety (90) days after the date on which the**  
14                   **governor terminates the state of disaster emergency.**  
15                   **(c) This section does not prohibit temporary discontinuance of**  
16                   **residential utility service at a residence if the discontinuance:**  
17                   **(1) is for purposes of repairs or alterations necessary for**  
18                   **continuance or resumption of residential utility service at the**  
19                   **residence; and**  
20                   **(2) continues only for the amount of time necessary to**  
21                   **complete the repairs or alterations.**  
22                   **(d) The attorney general may bring an action in the name of the**  
23                   **state to enjoin a violation of this section.**  
24                   **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 111, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Utilities.

(Reference is to SB 111 as introduced.)

BRAY, Chairperson

