



January 22, 2016

SENATE BILL No. 217

DIGEST OF SB 217 (Updated January 20, 2016 4:23 pm - DI 87)

Citations Affected: IC 12-20.

Synopsis: Township assistance payment of electric bills. Allows the township trustee to deposit township assistance funds in an account of a township assistance recipient (recipient) with an electric service provider (provider) for prepaid electric service. Excludes investor owned utilities from the definition of "electric service provider". Provides that the provider holds the township assistance funds as a fiduciary for the township trustee. Establishes deadlines for the provider to remit township assistance funds to the township trustee if: (1) the township trustee demands remittance of any township assistance funds remaining in the recipient's account; or (2) the recipient's account with the provider is terminated. Requires the provider to provide a monthly accounting statement to the township trustee of any remaining balances of township assistance funds that are held by, expended by, or deposited with the provider.

Effective: July 1, 2016.

Hershman, Houchin

January 6, 2016, read first time and referred to Committee on Local Government.
January 21, 2016, amended, reported favorably — Do Pass.

SB 217—LS 6795/DI 87



January 22, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 217

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

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

- 1 SECTION 1. IC 12-20-16-3.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) This section applies only**
4 **to a township assistance recipient who has prepaid service.**
5 **(b) As used in this section, "electric service provider" means a**
6 **corporation organized under:**
7 **(1) IC 8-1-13; or**
8 **(2) IC 23-17 that:**
9 **(A) is an electric cooperative; and**
10 **(B) has at least one (1) member that is a corporation**
11 **organized under IC 8-1-13.**
12 **(c) As used in this section, "prepaid service" refers to a payment**
13 **option offered by an electric service provider in which payments**
14 **for electric usage are charged against a prepaid credit balance in**
15 **a service account as electric service is rendered.**
16 **(d) As used in this section, "recipient" means a township**
17 **assistance recipient.**

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- 1 (e) As used in this section, "service account" means a customer
- 2 or member account with an electric service provider.
- 3 (f) Notwithstanding IC 12-20-20-1 or any other law, if the
- 4 requirements of this section are met, a township trustee and an
- 5 electric service provider may do the following:
- 6 (1) A township trustee may deposit township assistance funds
- 7 into a service account to create a credit balance.
- 8 (2) An electric service provider may pay a recipient's electric
- 9 usage charges with the deposited township assistance funds as
- 10 those electric usage charges are incurred. However, any
- 11 personal funds that are present in the service account at the
- 12 time the township assistance funds are deposited must be used
- 13 to pay any electric usage charges first, before the use of
- 14 township assistance funds.
- 15 (g) An electric service provider shall do the following:
- 16 (1) Hold any funds deposited under subsection (f)(1) in a
- 17 fiduciary capacity for the township trustee. The township
- 18 trustee is the beneficiary of any township assistance funds
- 19 remaining:
- 20 (A) at the close of business:
- 21 (i) on the day that a service account is terminated; or
- 22 (ii) on the next business day, if the service account is
- 23 terminated after the close of normal business hours; or
- 24 (B) at the close of business:
- 25 (i) on the day a request is received by the electric service
- 26 provider from the township trustee for remittance of the
- 27 funds; or
- 28 (ii) on the next business day, if the request for remittance
- 29 occurs after the close of normal business hours.
- 30 (2) Remit any funds remaining in a service account or
- 31 terminated service account not later than fifteen (15) business
- 32 days after:
- 33 (A) the service account is terminated as set forth in
- 34 subdivision (1)(A); or
- 35 (B) the electric service provider receives a request for
- 36 remittance from the township trustee as set forth in
- 37 subdivision (1)(B).
- 38 (h) For any month that:
- 39 (1) an electric service provider receives or expends township
- 40 assistance funds provided by a township trustee; or
- 41 (2) a service account has a remaining balance of township
- 42 assistance funds, including any balance of township assistance



- 1 **funds remaining in an individual service account for any prior**
 2 **months;**
 3 **the electric service provider shall provide the township trustee with**
 4 **a monthly accounting statement not later than fifteen (15) business**
 5 **days following the last calendar day of the month. A monthly**
 6 **accounting statement must detail the receipt and expenditure of**
 7 **funds from service accounts during that month and any balances**
 8 **remaining in individual service accounts.**
- 9 **(i) This section may not be interpreted as requiring an electric**
 10 **service provider to:**
- 11 **(1) remit to a township trustee more funds than are available**
 12 **in a service account at the close of business on the day that:**
- 13 **(A) a service account is terminated as set forth in**
 14 **subsection (g)(1)(A); or**
- 15 **(B) the electric service provider receives a request for**
 16 **remittance as set forth in (g)(1)(B); or**
- 17 **(2) maintain separate service accounts or account numbers**
 18 **for township assistance funds.**
- 19 **(j) The funds deposited into a service account may be used only**
 20 **to pay for a recipient's electric usage, including any facility**
 21 **charges, and may not be used to pay administrative charges,**
 22 **equipment, maintenance, repair, disconnection fees, delinquent**
 23 **bills, or any other charge.**
- 24 **(k) If the electric service provider refunds charges paid from the**
 25 **service account, or repays any remaining credit balance in the**
 26 **service account, the refund or repayment shall be paid directly to**
 27 **the township trustee.**
- 28 **(l) During any calendar month, the township trustee may**
 29 **deposit township assistance funds in the service account only to the**
 30 **extent that the credit balance in the service account does not exceed**
 31 **the charges incurred by the recipient during the immediately**
 32 **preceding calendar month.**
- 33 SECTION 2. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
 34 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2016]: Sec. 1. (a) If a township trustee, as administrator of
 36 township assistance, grants township assistance to an indigent
 37 individual or to any other person or agency on a township assistance
 38 order as provided by law or obligates the township for an item properly
 39 payable from township assistance money, the claim against the
 40 township must be:
- 41 (1) itemized and sworn to as provided by law;
- 42 (2) accompanied by the original township assistance order, which



- 1 must be itemized and signed; and
2 (3) checked with the records of the township trustee, as
3 administrator of township assistance, and audited and certified by
4 the township trustee.
5 (b) The township trustee shall pay claims against the township for
6 township assistance in the same manner that other claims against the
7 township are paid. The township trustee, when authorized to pay claims
8 directly to vendors, shall pay a claim within forty-five (45) days. The
9 township trustee shall pay the claim from:
10 (1) any balance standing to the credit of the township against
11 which the claim is filed; or
12 (2) from any other available fund from which advancements can
13 be made to the township for that purpose.
14 **(c) A township assistance claim for prepaid electric service shall**
15 **be paid in accordance with IC 12-20-16-3.5.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 217, 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 lines 4 and 5, begin a new paragraph and insert:

"(b) As used in this section, "electric service provider" means a corporation organized under:

(1) IC 8-1-13; or

(2) IC 23-17 that:

(A) is an electric cooperative; and

(B) has at least one (1) member that is a corporation organized under IC 8-1-13."

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 9, delete "(c)" and insert "(d)".

Page 1, line 11, delete "(d)" and insert "(e)".

Page 1, line 11, delete "township" and insert "**customer or member**".

Page 1, line 12, delete "trustee's".

Page 1, line 13, delete "(e)" and insert "(f)".

Page 1, line 14, delete ":" and insert ", **a township trustee and an electric service provider may do the following:**".

Page 1, line 15, delete "a" and insert "A".

Page 1, line 16, delete "; and" and insert ".".

Page 1, line 17, delete "an" and insert "An".

Page 1, line 17, delete "electronically transfer" and insert "**pay a recipient's electric usage charges with the deposited township assistance funds as those electric usage charges are incurred. However, any personal funds that are present in the service account at the time the township assistance funds are deposited must be used to pay any electric usage charges first, before the use of township assistance funds.**

(g) An electric service provider shall do the following:

(1) Hold any funds deposited under subsection (f)(1) in a fiduciary capacity for the township trustee. The township trustee is the beneficiary of any township assistance funds remaining:

(A) at the close of business:

(i) on the day that a service account is terminated; or

(ii) on the next business day, if the service account is terminated after the close of normal business hours; or

(B) at the close of business:



- (i) on the day a request is received by the electric service provider from the township trustee for remittance of the funds; or
 - (ii) on the next business day, if the request for remittance occurs after the close of normal business hours.
- (2) Remit any funds remaining in a service account or terminated service account not later than fifteen (15) business days after:
- (A) the service account is terminated as set forth in subdivision (1)(A); or
 - (B) the electric service provider receives a request for remittance from the township trustee as set forth in subdivision (1)(B).
- (h) For any month that:
- (1) an electric service provider receives or expends township assistance funds provided by a township trustee; or
 - (2) a service account has a remaining balance of township assistance funds, including any balance of township assistance funds remaining in an individual service account for any prior months;

the electric service provider shall provide the township trustee with a monthly accounting statement not later than fifteen (15) business days following the last calendar day of the month. A monthly accounting statement must detail the receipt and expenditure of funds from service accounts during that month and any balances remaining in individual service accounts.

(i) This section may not be interpreted as requiring an electric service provider to:

- (1) remit to a township trustee more funds than are available in a service account at the close of business on the day that:
 - (A) a service account is terminated as set forth in subsection (g)(1)(A); or
 - (B) the electric service provider receives a request for remittance as set forth in (g)(1)(B); or
 - (2) maintain separate service accounts or account numbers for township assistance funds.
- (j) The funds deposited into a service account may be used only to pay for a recipient's electric usage, including any facility charges, and may not be used to pay administrative charges, equipment, maintenance, repair, disconnection fees, delinquent bills, or any other charge."

Page 2, delete lines 1 through 23.



Page 2, line 24, delete "(i)" and insert "**(k)**".

Page 2, line 28, delete "(j)" and insert "**(l)**".

and when so amended that said bill do pass.

(Reference is to SB 217 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 9, Nays 0.

