



January 29, 2021

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## SENATE BILL No. 348

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DIGEST OF SB 348 (Updated January 28, 2021 12:01 pm - DI 140)

**Citations Affected:** IC 2-5.

**Synopsis:** Wastewater task force. Establishes the task force on wastewater infrastructure investment and service to underserved areas (task force). Provides that the task force consists of the following 14 members: (1) Four members of the senate, with the president pro tempore appointing three members (one of whom serves as co-chair of the task force), and the minority leader appointing one member. (2) Four members of the house of representatives, with the speaker appointing three members (one of whom serves as co-chair of the task force), and the minority leader appointing one member. (3) Six gubernatorial appointees, including the following: (A) One officer or employee of the state. (B) One member representing operators of wastewater management systems. (C) One engineer, or another professional, with expertise in wastewater management systems. (D) One member representing ratepayers. (E) One member representing municipalities served by a wastewater operator not under the jurisdiction of the utility regulatory commission (IURC). (F) One member of the general public. Sets forth the duties of the task force. Requires the task force to develop a long term plan for addressing wastewater needs in Indiana. Requires the task force to issue a report setting forth its recommendations to: (1) the executive director of the legislative services agency for distribution to members of the general assembly; and (2) the governor; not later than December 1, 2021. Provides that the bill's provisions concerning the task force expire January 1, 2022.

**Effective:** Upon passage.

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January 11, 2021, read first time and referred to Committee on Utilities.  
January 28, 2021, reported favorably — Do Pass.

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SB 348—LS 7373/DI 101





January 29, 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. 348

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

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

- 1 SECTION 1. IC 2-5-49 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:  
4 **Chapter 49. Task Force for Wastewater Infrastructure**  
5 **Investment and Service to Underserved Areas**  
6 **Sec. 1. As used in this chapter, "task force" refers to the task**  
7 **force on wastewater infrastructure investment and service to**  
8 **underserved areas established by section 2 of this chapter.**  
9 **Sec. 2. The task force on wastewater infrastructure investment**  
10 **and service to underserved areas is established.**  
11 **Sec. 3. The task force consists of the following fourteen (14)**  
12 **members:**  
13 **(1) Four (4) members of the senate, appointed as follows:**  
14 **(A) Three (3) members shall be appointed by the president**  
15 **pro tempore. The president pro tempore shall designate**  
16 **one (1) of the members appointed under this clause as**  
17 **co-chair of the task force.**

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- 1           **(B) One (1) member shall be appointed by the minority**  
 2           **leader of the senate.**
- 3           **(2) Four (4) members of the house of representatives,**  
 4           **appointed as follows:**
- 5           **(A) Three (3) members shall be appointed by the speaker.**  
 6           **The speaker shall designate one (1) of the members**  
 7           **appointed under this clause as co-chair of the task force.**
- 8           **(B) One (1) member shall be appointed by the minority**  
 9           **leader of the house of representatives.**
- 10          **(3) One (1) officer or employee of the state, appointed by the**  
 11          **governor.**
- 12          **(4) One (1) individual appointed by the governor to represent**  
 13          **the interests of operators of wastewater management systems.**
- 14          **(5) One (1) individual who:**
- 15               **(A) is an engineer or another professional; and**  
 16               **(B) has the expertise in the design and construction of**  
 17               **wastewater management systems necessary for the**  
 18               **prudent operation of those systems;**  
 19          **appointed by the governor.**
- 20          **(6) One (1) individual appointed by the governor to represent**  
 21          **the interests of ratepayers and others who constitute the**  
 22          **source of funding for wastewater management systems.**
- 23          **(7) One (1) elected official appointed by the governor to**  
 24          **represent the interests of municipal jurisdictions that are**  
 25          **served by wastewater operators that are not under the**  
 26          **jurisdiction of the Indiana utility regulatory commission.**
- 27          **(8) One (1) member of the general public who is not described**  
 28          **in subdivisions (4) through (5), appointed by the governor.**
- 29          **Sec. 4. (a) A majority of the members of the task force**  
 30          **constitutes a quorum.**
- 31               **(b) The affirmative vote of at least a majority of the members at**  
 32               **a meeting at which a quorum is present is necessary for the task**  
 33               **force to take official action other than to meet and take testimony.**
- 34               **(c) The task force shall meet at the call of the co-chairs.**
- 35          **Sec. 5. All meetings of the task force shall be open to the public**  
 36          **in accordance with and subject to IC 5-14-1.5. All records of the**  
 37          **task force shall be subject to the requirements of IC 5-14-3.**
- 38          **Sec. 6. The task force shall do the following:**
- 39               **(1) Examine recommended standards and best practices for**  
 40               **the maintenance and life cycle management of wastewater**  
 41               **management systems.**
- 42               **(2) Analyze whether individual wastewater management**



1 systems in Indiana are achieving the recommended standards  
2 referred to in subdivision (1).

3 (3) Assess the adequacy of present sources of funding for the  
4 maintenance and life cycle management of wastewater  
5 management systems and, if necessary, identify additional  
6 sources of funding or investment opportunities, including the  
7 benefit to customers of wastewater management system:

8 (A) consolidation; or

9 (B) regionalization;

10 that creates an increased customer base and economies of  
11 scale to enable increased infrastructure investment.

12 (4) Evaluate existing policies concerning the regulation of  
13 wastewater management systems, and consider whether  
14 certain regulation of unregulated wastewater management  
15 systems could:

16 (A) improve system management and performance; and

17 (B) create a more sustained level of infrastructure  
18 investment.

19 (5) Assess the value that an improved system of wastewater  
20 infrastructure would add to economic development in  
21 Indiana.

22 (6) Assess the difficulties in connecting unserved properties to  
23 sanitary sewer systems owned or operated by any of the  
24 following:

25 (A) A public utility (as defined in IC 8-1-2-1(a)).

26 (B) A municipality under IC 36-9-23 or IC 36-9-25.

27 (C) A not-for-profit utility (as defined in IC 8-1-2-125(a)).

28 (D) A cooperatively owned corporation.

29 (E) A conservancy district established under IC 14-33.

30 (F) A regional sewer district established under IC 13-26.

31 (7) Evaluate available financing options:

32 (A) to fund the extension of wastewater service to rural or  
33 developed underserved areas in Indiana; and

34 (B) that make the service extension affordable for property  
35 owners without placing undue burden on:

36 (i) the wastewater system operator; or

37 (ii) other customers of the wastewater system operator.

38 Sec. 7. The task force shall develop a long term plan for  
39 addressing wastewater needs in Indiana. The long term plan must  
40 include recommendations to the general assembly and the  
41 governor concerning the following:

42 (1) Outcomes that must be achieved in order to overcome



- 1 challenges facing Indiana's local wastewater infrastructure,  
 2 and the benchmarks and timelines that must be met in order  
 3 to achieve these outcomes.
- 4 (2) Metrics to be used in assessing the current status of  
 5 wastewater management systems and in tracking the progress  
 6 made toward accomplishing all goals, benchmarks, and  
 7 recommended standards.
- 8 (3) Funding and financing mechanisms that should be used to  
 9 achieve necessary improvements in wastewater management  
 10 systems, including the appropriate level of regulatory  
 11 oversight to ensure that proper investment in wastewater  
 12 infrastructure assets occurs on a regular and sustained life  
 13 cycle.
- 14 (4) A determination of who should bear the financial burden  
 15 of:
- 16 (A) improving wastewater management systems; and  
 17 (B) providing wastewater service to underserved areas in  
 18 Indiana;
- 19 and how the financial burden should be apportioned among  
 20 those bearing the financial burden, taking into consideration  
 21 the impact on affordability of wastewater rates.
- 22 (5) The connection of unserved properties to sanitary sewer  
 23 systems in rural or developed underserved areas in Indiana.
- 24 (6) Appropriate legislation for the 2022 legislative session  
 25 based on the recommendations of the long term plan set forth  
 26 in subdivisions (1) through (5).
- 27 **Sec. 8. The task force shall:**
- 28 (1) issue a report setting forth the recommendations required  
 29 by section 7 of this chapter; and
- 30 (2) not later than December 1, 2021, submit the report:
- 31 (A) in an electronic format under IC 5-14-6 to the  
 32 executive director of the legislative services agency for  
 33 distribution to the members of the general assembly; and  
 34 (B) to the governor.
- 35 **Sec. 9. The legislative services agency shall provide staff support**  
 36 **to the task force.**
- 37 **Sec. 10. This chapter expires January 1, 2022.**
- 38 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 348 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 9, Nays 1

