



March 23, 2021

ENGROSSED SENATE BILL No. 348

DIGEST OF SB 348 (Updated March 22, 2021 1:12 pm - DI 101)

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
(Continued next page)

Effective: Upon passage.

**Koch, Charbonneau, Houchin,
Doriot, Perfect, Glick, Yoder, Kruse,
Zay, Randolph Lonnie M**
(HOUSE SPONSORS — SOLIDAY, MANNING, HAMILTON)

January 11, 2021, read first time and referred to Committee on Utilities.
January 28, 2021, reported favorably — Do Pass.
February 1, 2021, read second time, amended, ordered engrossed.
February 2, 2021, engrossed. Read third time, passed. Yeas 45, nays 0.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.
March 23, 2021, amended, reported — Do Pass.

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Digest Continued

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. (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.



March 23, 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.

ENGROSSED 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 **(8) Evaluate available financing options in connection with**
 39 **wastewater utility acquisitions and related system**
 40 **improvements, including the authorization for an acquiring**
 41 **utility company that provides both water and wastewater**
 42 **service to allocate a portion of the costs of the utility**



1 company's wastewater utility property to the utility
2 company's water customers.

3 (9) Examine:

4 (A) the roles and responsibilities of state agencies related
5 to wastewater regulation; and

6 (B) opportunities for coordination and data sharing among
7 those agencies.

8 (10) Evaluate the priority ranking system used by the Indiana
9 finance authority under IC 5-1.2-10-14.

10 Sec. 7. The task force shall develop a long term plan for
11 addressing wastewater needs in Indiana. The long term plan must
12 include recommendations to the general assembly and the
13 governor concerning the following:

14 (1) Outcomes that must be achieved in order to overcome
15 challenges facing Indiana's local wastewater infrastructure,
16 and the benchmarks and timelines that must be met in order
17 to achieve these outcomes.

18 (2) Metrics to be used in assessing the current status of
19 wastewater management systems and in tracking the progress
20 made toward accomplishing all goals, benchmarks, and
21 recommended standards.

22 (3) Funding and financing mechanisms that should be used to
23 achieve necessary improvements in wastewater management
24 systems, including the appropriate level of regulatory
25 oversight to ensure that proper investment in wastewater
26 infrastructure assets occurs on a regular and sustained life
27 cycle.

28 (4) A determination of who should bear the financial burden
29 of:

30 (A) improving wastewater management systems; and

31 (B) providing wastewater service to underserved areas in
32 Indiana;

33 and how the financial burden should be apportioned among
34 those bearing the financial burden, taking into consideration
35 the impact on affordability of wastewater rates. The task
36 force shall include recommendations, if any, concerning the
37 topic set forth in section 6(8) of this chapter.

38 (5) The connection of unserved properties to sanitary sewer
39 systems in rural or developed underserved areas in Indiana.

40 (6) Appropriate legislation for the 2022 legislative session
41 based on the recommendations of the long term plan set forth
42 in subdivisions (1) through (5).



1 **Sec. 8. The task force shall:**
2 **(1) issue a report setting forth the recommendations required**
3 **by section 7 of this chapter; and**
4 **(2) not later than December 1, 2021, submit the report:**
5 **(A) in an electronic format under IC 5-14-6 to the**
6 **executive director of the legislative services agency for**
7 **distribution to the members of the general assembly; and**
8 **(B) to the governor.**
9 **Sec. 9. The legislative services agency shall provide staff support**
10 **to the task force.**
11 **Sec. 10. This chapter expires January 1, 2022.**
12 **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

 SENATE MOTION

Madam President: I move that Senate Bill 348 be amended to read as follows:

Page 3, between lines 37 and 38, begin a new line block indented and insert:

"(8) Examine:

(A) the roles and responsibilities of state agencies related to wastewater regulation; and

(B) opportunities for coordination and data sharing among those agencies."

(Reference is to SB 348 as printed January 29, 2021.)

KOCH

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 348, 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, between lines 37 and 38, begin a new line blocked indented and insert:

"(8) Evaluate available financing options in connection with wastewater utility acquisitions and related system improvements, including the authorization for an acquiring

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utility company that provides both water and wastewater service to allocate a portion of the costs of the utility company's wastewater utility property to the utility company's water customers."

Page 3, line 38, delete "(8)" and insert "(9)".

Page 3, after line 42, begin a new line block indented and insert:

"(10) Evaluate the priority ranking system used by the Indiana finance authority under IC 5-1.2-10-14."

Page 4, line 26, after "rates." insert **"The task force shall include recommendations, if any, concerning the topic set forth in section 6(8) of this chapter."**

and when so amended that said bill do pass.

(Reference is to SB 348 as reprinted February 2, 2021.)

SOLIDAY

Committee Vote: yeas 10, nays 2.

