

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1278

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AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 4-3-23-5, AS AMENDED BY P.L.109-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. The office shall administer the following:

- (1) ~~The alternative fuel fueling station grant program under IC 4-4-32.2.~~
- (2) ~~The alternative fuel vehicle grant program for local units under IC 4-4-32.3.~~
- (3) ~~(1)~~ The energy development fund under IC 4-23-5.5-10.
- (4) ~~(2)~~ A low interest revolving loan program for certain energy efficiency or recycling projects ~~in consultation with the Indiana recycling market development board.~~ **under section 9 of this chapter.**
- (5) ~~The coal research grant fund under IC 4-23-5.5-16.~~
- (6) ~~(3)~~ The green industries fund under IC 5-28-34, in consultation with the Indiana economic development corporation.
- (7) ~~The office of alternative energy incentives established by IC 8-1-13.1-9 and the alternative energy incentive fund established by IC 8-1-13.1-10.~~
- (8) ~~The center for coal technology research established by IC 21-47-4-1 and the coal technology research fund established~~

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by IC 21-47-4-5:

SECTION 2. IC 4-3-23-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 9. The office may establish and administer a revolving loan program for the purpose of making low interest loans to projects designed to promote the development and efficient use of energy resources or to promote recycling market development. The interest rates for the loans shall be fixed by the office.**

SECTION 3. IC 4-3-23.1-12, AS ADDED BY P.L.50-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 12. (a) The commercial solar and wind energy ready communities development center may be established within the office. If established, the center shall have has the following duties:**

- (1) Providing comprehensive information concerning permits required for projects and related business activities in Indiana, and making the information available and easily accessible to:
    - (A) project owners;
    - (B) state and local government offices, departments, and administrative entities; and
    - (C) the public.
  - (2) Working with permit authorities to encourage the timely and efficient issuance of permits and the resolution of related issues.
- (b) The center, if established, may create and administer:
- (1) a program for the certification of units as commercial solar energy ready communities under section 13 of this chapter; and
  - (2) a program for the certification of units as wind energy ready communities under section 14 of this chapter.

**(c) Notwithstanding:**

- (1) **section 13(a) or 13(b) of this chapter, the center, if established, may make a reasonable determination to certify a unit as a commercial solar energy ready community if the unit's commercial solar regulation under section 13(a) of this chapter or clear standards under section 13(b) of this chapter, as applicable, differ in one (1) or more respects from the standards set forth in section 13(a) or 13(b) of this chapter, as applicable; or**
- (2) **section 14(a) or 14(b) of this chapter, the center, if established, may make a reasonable determination to certify a unit as a wind energy ready community if the unit's wind power regulation under section 14(a) of this chapter or clear standards under section 14(b) of this chapter, as applicable,**



**differ in one (1) or more respects from the standards set forth in section 14(a) or 14(b) of this chapter, as applicable; if the unit's commercial solar regulation, wind power regulation, or clear standards, as applicable, do not materially differ from applicable industry or regulatory standards, or otherwise materially affect the ability of a project owner to develop a project in the unit.**

SECTION 4. IC 4-3-23.1-13, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) A unit may apply to the office for certification as a commercial solar energy ready community. The application must be in a form and manner prescribed by the office. **Subject to section 12(c) of this chapter**, the office may approve an application and certify a unit as a commercial solar energy ready community if the office determines the following:

- (1) That the unit has adopted a commercial solar regulation that includes clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more commercial solar energy systems (as defined in IC 8-1-42-2) in the unit.
- (2) That the unit's commercial solar regulation:
  - (A) includes standards that are not more restrictive, directly or indirectly, than the default standards for commercial solar energy systems set forth in IC 8-1-42;
  - (B) provides a clear and transparent process for project owners to identify potential commercial solar project sites;
  - (C) does not unreasonably eliminate portions of the unit as sites for commercial solar projects;
  - (D) provides for a fair review and approval process for proposed commercial solar projects, including final approval that cannot be revoked; and
  - (E) includes a specific plan for using any funds from an incentive granted by the office under subsection ~~(b)~~: **(d)**:
    - (i) for economic development purposes within or near the commercial solar project's footprint; or
    - (ii) to otherwise benefit residents and businesses within or near the commercial solar project's footprint.
- (3) That the unit has demonstrated a commitment to maintain:
  - (A) the standards and procedural framework set forth in the unit's commercial solar regulation; and
  - (B) all applicable zoning, land use, and planning regulations;



with respect to any particular commercial solar project that is approved under the unit's commercial solar regulation, for a period of at least ten (10) years, beginning with the start date of the commercial solar project's full commercial ~~operation~~ **operation or the date of the office's certification of the unit under this section, whichever is later.**

**(b) If a unit has not adopted a commercial solar regulation, the unit may apply to the office for certification as a commercial solar energy ready community. The application must be in a form and manner prescribed by the office. Subject to section 12(c) of this chapter, the office may approve an application and certify a unit as a commercial solar energy ready community if the office determines the following:**

**(1) That the unit has clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more commercial solar energy systems (as defined in IC 8-1-42-2) in the unit.**

**(2) That the unit's clear standards:**

**(A) are not more restrictive, directly or indirectly, than the default standards for commercial solar energy systems set forth in IC 8-1-42;**

**(B) provide a clear and transparent process for project owners to identify potential commercial solar project sites;**

**(C) do not unreasonably eliminate portions of the unit as sites for commercial solar projects;**

**(D) provide for a fair review and approval process for proposed commercial solar projects, including final approval that cannot be revoked; and**

**(E) include a specific plan for using any funds from an incentive granted by the office under subsection (d):**

**(i) for economic development purposes within or near the commercial solar project's footprint; or**

**(ii) to otherwise benefit residents and businesses within or near the commercial solar project's footprint.**

**(3) That the unit has demonstrated a commitment to maintain its clear standards for a period of at least ten (10) years, beginning with the start date of the commercial solar project's full commercial operation or the office's certification of the unit under this section, whichever is later.**

**(c) For purposes of subsection (b), the office may consider one (1) or more of the following as evidence of a unit's clear standards with respect to the construction, installation, siting, modification,**



operation, or decommissioning of one (1) or more commercial solar energy systems (as defined in IC 8-1-42-2) in the unit:

- (1) A contract or an otherwise binding agreement between the unit and a project owner.
- (2) An economic development agreement.
- (3) Any other documentation that the office determines provides sufficient evidence of the unit's clear standards.

~~(b)~~ (d) If:

- (1) a unit receives certification as a commercial solar energy ready community by the office under this section;
- (2) after the unit's certification, a ~~project owner constructs a~~ commercial solar project **is constructed or has been constructed** in the unit; and
- (3) the fund is established and there is a sufficient balance in the fund;

the office may authorize the unit to receive from the fund, for a period of ten (10) years beginning with the start date of the commercial solar project's full commercial ~~operation~~, **operation or the date of the office's certification of the unit under this section, whichever is later**, one dollar (\$1) per megawatt hour of electricity generated by the commercial solar project, if the office determines that the procedures and standards set forth in the unit's commercial solar regulation **under subsection (a) or the unit's clear standards under subsection (b), as applicable**, were adhered to in the development of the project. However, if the office determines at any time after the start of the commercial solar project's full commercial operation that the unit has failed to continue to meet the requirement for certification set forth in subsection ~~(a)(3)~~, **(a)(3) or (b)(3), as applicable**, the office shall discontinue the incentive granted under this subsection and shall require the unit to return to the fund any amounts collected by the unit under this subsection after the unit's breach of the requirement for certification set forth in subsection ~~(a)(3)~~, **(a)(3) or (b)(3), as applicable**.

~~(e)~~ (e) After:

- (1) a unit receives certification as a commercial solar energy ready community under this section; and
- (2) a project owner constructs a commercial solar ~~energy facility~~ **project** that qualifies the unit to receive the incentive payments under subsection ~~(b)~~; **(d)**;

the project owner shall annually report to the office the total megawatt hours generated by the commercial solar ~~energy facility~~ **project** in the previous year.

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SECTION 5. IC 4-3-23.1-14, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) A unit may apply to the office for certification as a wind energy ready community. The application must be in a form and manner prescribed by the office. **Subject to section 12(c) of this chapter**, the office may approve an application and certify a unit as a wind energy ready community if the office determines the following:

- (1) That the unit has adopted a wind power regulation that includes clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices (as defined in IC 8-1-41-7) in the unit.
- (2) That the unit's wind power regulation:
  - (A) includes standards that are not more restrictive, directly or indirectly, than the default standards for wind power devices set forth in IC 8-1-41;
  - (B) provides a clear and transparent process for project owners to identify potential wind power project sites;
  - (C) does not unreasonably eliminate portions of the unit as sites for wind power projects;
  - (D) provides for a fair review and approval process for proposed wind power projects, including final approval that cannot be revoked; and
  - (E) includes a specific plan for using any funds from an incentive granted by the office under subsection ~~(b)~~ **(d)**:
    - (i) for economic development purposes within or near the wind power project's footprint; or
    - (ii) to otherwise benefit residents and businesses within or near the wind power project's footprint.
- (3) That the unit has demonstrated a commitment to maintain:
  - (A) the standards and procedural framework set forth in the unit's wind power regulation; and
  - (B) all applicable zoning, land use, and planning regulations; with respect to any particular wind power project that is approved under the unit's ~~commercial solar~~ **wind power** regulation, for a period of at least ten (10) years, beginning with the start date of the wind power project's full commercial ~~operation~~. **operation or the date of the office's certification of the unit under this section, whichever is later.**

**(b) If a unit has not adopted a wind power regulation, the unit may apply to the office for certification as a wind energy ready**



community. The application must be in a form and manner prescribed by the office. Subject to section 12(c) of this chapter, the office may approve an application and certify a unit as a wind energy ready community if the office determines the following:

(1) That the unit has clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices (as defined in IC 8-1-41-7) in the unit.

(2) That the unit's clear standards:

(A) are not more restrictive, directly or indirectly, than the default standards for wind power devices set forth in IC 8-1-41;

(B) provide a clear and transparent process for project owners to identify potential wind power project sites;

(C) do not unreasonably eliminate portions of the unit as sites for wind power projects;

(D) provide for a fair review and approval process for proposed wind power projects, including final approval that cannot be revoked; and

(E) include a specific plan for using any funds from an incentive granted by the office under subsection (d):

(i) for economic development purposes within or near the wind power project's footprint; or

(ii) to otherwise benefit residents and businesses within or near the wind power project's footprint.

(3) That the unit has demonstrated a commitment to maintain its clear standards for a period of at least ten (10) years, beginning with the start date of the wind power project's full commercial operation or date of the office's certification of the unit under this section, whichever is later.

(c) For purposes of subsection (b), the office may consider one (1) or more of the following as evidence of a unit's clear standards with respect to the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices (as defined in IC 8-1-41-7) in the unit:

(1) A contract or an otherwise binding agreement between the unit and a project owner.

(2) An economic development agreement.

(3) Any other documentation that the office determines provides sufficient evidence of the unit's clear standards.

~~(b)~~ (d) If:

(1) a unit receives certification as a wind energy ready community



by the office under this section;

(2) after the unit's certification, ~~a project owner constructs~~ a wind power project **is constructed or has been constructed** in the unit; and

(3) the fund is established and there is a sufficient balance in the fund;

the office may authorize the unit to receive from the fund, for a period of ten (10) years beginning with the start date of the wind power project's full commercial ~~operation~~, **operation or the date of the office's certification of the unit under this section, whichever is later**, one dollar (\$1) per megawatt hour of electricity generated by the wind power project, if the office determines that the procedures and standards set forth in the unit's wind power regulation **under subsection (a) or the unit's clear standards under subsection (b), as applicable**, were adhered to in the development of the project. However, if the office determines at any time after the start of the wind power project's full commercial operation that the unit has failed to continue to meet the requirement for certification set forth in subsection ~~(a)(3)~~; **(a)(3) or (b)(3), as applicable**, the office shall discontinue the incentive granted under this subsection and shall require the unit to return to the fund any amounts collected by the unit under this subsection after the unit's breach of the requirement for certification set forth in subsection ~~(a)(3)~~; **(a)(3) or (b)(3), as applicable**.

~~(c)~~ **(e)** After:

(1) a unit receives certification as a wind energy ready community under this section; and

(2) a project owner constructs a wind ~~energy facility~~ **power project** that qualifies the unit to receive the incentive under subsection ~~(b)~~; **(d)**;

the project owner shall annually report to the office the total megawatt hours generated by the wind ~~energy facility~~ **power project** in the previous year.

SECTION 6. IC 4-3-23.1-16, AS ADDED BY P.L.50-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The commercial solar and wind energy ready communities incentive fund may be established by the office for the purpose of:

(1) providing payments to commercial solar energy ready communities under section ~~13(b)~~ **13(d)** of this chapter; and

(2) providing payments to wind energy ready communities under section ~~14(b)~~ **14(d)** of this chapter.

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(b) The fund, if established, shall be administered by the office.

(c) The fund, if established, shall consist of:

- (1) grants, gifts, and donations intended for deposit in the fund;
- (2) federal funds;
- (3) interest that accrues from money in the fund; and
- (4) any amounts returned to the fund by units under section ~~13(b)~~ **13(d)** or ~~14(b)~~ **14(d)** of this chapter.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

SECTION 7. IC 4-4-32.2 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Alternative Fuel Fueling Station Grant Program).

SECTION 8. IC 4-4-32.3 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Alternative Fuel Vehicle Grant Program for Local Units).

SECTION 9. IC 4-12-12-6, AS AMENDED BY P.L.152-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. Money in the account that is not otherwise designated under section 3 of this chapter is annually dedicated to the following:

- (1) The Indiana economic development partnership fund under IC 4-12-10.
- (2) The scientific instrument project within the department of education.
- (3) The coal technology research fund under IC 21-47-4-5 **(before its repeal on July 1, 2024)**.

SECTION 10. IC 4-13-16.5-2, AS AMENDED BY P.L.15-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) There is established a governor's commission on supplier diversity. The commission shall consist of the following members:

- (1) A governor's designee, who shall serve as chairman of the commission.
- (2) The commissioner of the Indiana department of transportation, or the economic opportunity director of the Indiana department of transportation if the commissioner of the Indiana department of transportation so designates.
- (3) The chairperson of the board of the Indiana economic development corporation or the chairperson's designee.
- (4) The commissioner.
- (5) Nine (9) individuals with demonstrated capabilities in business and industry, especially minority business enterprises, women's business enterprises, and veteran owned small



businesses, appointed by the governor from the following geographical areas of the state:

- (A) Three (3) from the northern one-third (1/3) of the state.
- (B) Three (3) from the central one-third (1/3) of the state.
- (C) Three (3) from the southern one-third (1/3) of the state.
- (6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.
- (7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore of the senate to serve in a nonvoting advisory capacity.
- (8) The deputy commissioner, who shall serve as a nonvoting member.

Not more than six (6) of the ten (10) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(b) Each member of the commission who is not a state employee is entitled to the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.

(d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties.



(e) The commission shall meet at least four (4) times each year and at other times as the chairman considers necessary.

(f) The duties of the commission shall include but not be limited to the following:

- (1) Identify minority business enterprises, women's business enterprises, and veteran owned small businesses in the state.
- (2) Assess the needs of minority business enterprises, women's business enterprises, and veteran owned small businesses.
- (3) Initiate aggressive programs to assist minority business enterprises, women's business enterprises, and veteran owned small businesses in obtaining state contracts.
- (4) Give special publicity to procurement, bidding, and qualifying procedures.
- (5) Include minority business enterprises, women's business enterprises, and veteran owned small businesses on solicitation mailing lists.
- (6) Evaluate the competitive differences between qualified minority or women's nonprofit corporations and other than qualified minority or women's nonprofit corporations and veteran owned small businesses that offer similar services and make recommendation to the department on policy changes necessary to ensure fair competition among minority business enterprises, women's business enterprises, and veteran owned small businesses.
- (7) Define the duties, goals, and objectives of the deputy commissioner of the department as created under this chapter to assure compliance by all state agencies, separate bodies corporate and politic, and state educational institutions with state and federal legislation and policy concerning the awarding of contracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts of state educational institutions) to minority business enterprises, women's business enterprises, and veteran owned small businesses.
- (8) Establish annual goals:
  - (A) for the use of minority and women's business enterprises; and
  - (B) derived from a statistical analysis of utilization study of state contracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts of state educational institutions) that are required to be updated every five (5) years.
- (9) Prepare a review of the commission and the various affected



departments of government to be submitted to the governor and the legislative council on March 1 and October 1 of each year, evaluating progress made in the areas defined in this subsection.

(10) Ensure that the statistical analysis required under this section:

(A) is based on goals for participation of minority business enterprises established in *Richmond v. Croson*, 488 U.S. 469 (1989);

(B) includes information on both contracts and subcontracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts and subcontracts of state educational institutions); and

(C) uses data on the combined capacity of minority business enterprises, women's business enterprises, and veteran owned small businesses in Indiana and not just regional data.

(11) Establish annual goals for the use of minority business enterprises, women's business enterprises, and veteran owned small businesses for any contract that:

(A) will be paid for in whole or in part with state grant funds; and

(B) involves the use of real property of a unit. ~~(as defined in IC 4-4-32.2-9).~~

(12) Ensure compliance with the establishment and evaluation of the annual goal for veteran owned small businesses established in section 3.5 of this chapter.

(g) The department shall direct contractors to demonstrate a good faith effort to meet the annual participation goals established under subsection (f)(11). The good faith effort shall be demonstrated by contractors using the repository of certified firms created under section 3 of this chapter or a similar repository maintained by a unit. ~~(as defined in IC 4-4-32.2-9).~~

(h) The department shall adopt rules of ethics under IC 4-22-2 for commission members other than commission members appointed under subsection (a)(6) or (a)(7).

(i) The department shall furnish administrative support and staff as is necessary for the effective operation of the commission.

(j) The commission shall advise the department on developing a statement, to be included in all applications for and agreements governing grants made with state funds, stating the importance of the use of minority business enterprises, women's business enterprises, and veteran owned small businesses in fulfilling the purposes of the grant.

**(k) For purposes of subsections (f)(11) and (g), "unit" means a**



**county, city, town, township, or school corporation.**

SECTION 11. IC 4-23-5.5-11 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 11: The office may establish and administer a revolving loan program for the purpose of making low interest loans to projects designed to promote the development and efficient use of energy resources or to promote recycling market development. The interest rates for the loans shall be fixed by the office. The office may consult with the board in implementing this section.

SECTION 12. IC 4-23-5.5-16 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 16: (a) As used in this section, "center" refers to the center for coal technology research established by IC 21-47-4-1.

(b) The Indiana coal research grant fund is established for the purpose of providing grants for research and other projects designed to develop and expand markets for Indiana coal. The fund shall be administered by the office:

(c) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The center shall establish:

(1) amounts for grants under this section; and

(2) criteria for awarding grants under this section.

(g) A person, business, or manufacturer that wants a grant from the fund must file an application in the manner prescribed by the center.

(h) The center shall appoint a panel of at least eight (8) members to review and make recommendations to the center about each application filed under this section. To be a member of the panel, an individual must be a scientist, a professional engineer registered under IC 25-31-1, or another professional who is familiar with coal combustion, coal properties, coal byproducts, and other coal uses.

(i) The director of the office shall pursue available private and public sources of money for the fund.

SECTION 13. IC 5-28-41-4, AS ADDED BY P.L.165-2021, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) As used in this chapter, "qualified nonprofit organization" means a private, nonprofit entity formed as a partnership



between local units, ~~(as defined in IC 4-4-32.2-9)~~; private sector businesses, or community or philanthropic organizations to develop and implement a regional economic acceleration and development strategy that has an organizational structure that conforms with the requirements of a policy developed by the corporation under section 16 of this chapter.

**(b) For purposes of subsection (a), a "local unit" means a county, city, town, township, or school corporation.**

SECTION 14. IC 5-28-43-4, AS ADDED BY P.L.201-2023, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. **(a)** As used in this chapter, "qualified nonprofit organization" means a private, nonprofit entity formed as a partnership between local units, ~~(as defined in IC 4-4-32.2-9)~~; private sector businesses, or community or philanthropic organizations to develop and implement a regional economic acceleration and development strategy that has an organizational structure that conforms with the requirements of a policy developed by the corporation under section 16 of this chapter.

**(b) For purposes of subsection (a), a "local unit" means a county, city, town, township, or school corporation.**

SECTION 15. IC 8-1-2-61, AS AMENDED BY P.L.94-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 61. (a) Any public utility may make complaint as to any matter affecting its own rates or service. The petition or complaint must include a statement as to whether the utility, if a not-for-profit water utility or municipal utility, has any outstanding indebtedness to the federal government. The public utility shall publish a notice of the filing of such petition or complaint in a newspaper of general circulation published in any county in which the public utility renders service. An order affecting rates or service may be entered by the commission without a formal public hearing, if:

- (1) the utility is a not-for-profit water utility or a municipal utility; and
- (2) the utility has obtained written consent to obtain an order affecting its rates from the commission without a formal hearing from any agency of the federal government with which the utility has outstanding evidence of indebtedness to the federal government.

The commission may, however, on its own motion require a formal public hearing, and shall, upon a motion filed by the utility consumer counselor, by any public or municipal corporation, or by ten (10) individuals, firms, corporations, limited liability companies, or



associations, or ten (10) complainants of all or any of these classes, hold a formal public hearing with respect to any such petition or complaint.

(b) In any general rate proceeding under subsection (a) which requires a public hearing and in which an increase in revenues is sought which exceeds the sum of two million five hundred thousand dollars (\$2,500,000), the commission shall conduct at least one (1) public hearing in **one (1) of the following, as determined by the commission:**

- (1) The largest municipality located within ~~such~~ the utility's service area.
- (2) The municipality containing the largest number of customers served by the utility.**
- (3) The county containing the largest number of customers served by the utility.**

(c) In a proceeding brought by an energy utility (as defined in IC 8-1-2.5-2) under this section, the commission may approve:

- (1) time-varying price structures and tariffs; or
- (2) other alternative pricing structures and tariffs;

for retail energy service (as defined in IC 8-1-2.5-3), such as time-of-use or off-peak pricing, critical peak pricing, variable peak pricing, and real-time pricing.

SECTION 16. IC 8-1-8.8-13 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 13: An eligible business shall file a monthly report with the lieutenant governor stating the following information:~~

- ~~(1) The amount of Illinois Basin coal, if any, purchased during the previous month for use in a new energy production or generating facility;~~
- ~~(2) The amount of any fuel or energy produced by:
 
  - ~~(A) a coal gasification facility; or~~
  - ~~(B) a nuclear energy production or generating facility;~~
 that is purchased by the eligible business during the previous month.~~
- ~~(3) Any other information the lieutenant governor may reasonably require.~~

SECTION 17. IC 8-1-13-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 38. (a) Any corporation may make complaint as to any matter affecting its own rates or service. The corporation shall publish a notice of the filing of the petition or complaint in a newspaper of general circulation published in any county in which the corporation renders service. An order affecting rates or service may be entered by the commission without a formal



public hearing, if the corporation has obtained written consent to obtain an order affecting its rates from the commission without a formal hearing from any agency of the federal government with which the corporation has outstanding evidence of indebtedness to the federal government. The commission may, however, on its own motion require a formal public hearing, and shall, upon a motion filed by the utility consumer counselor, by any public or municipal corporation, by ten (10) individuals, firms, corporations, limited liability companies, or associations, or by ten (10) complainants of any or all of these classes, hold a formal public hearing with respect to any petition or complaint.

(b) In any general rate proceeding under subsection (a) which requires a public hearing and in which an increase in revenues is sought which exceeds the sum of two million five hundred thousand dollars (\$2,500,000), the commission shall conduct at least one (1) public hearing in **one (1) of the following, as determined by the commission:**

- (1) The largest municipality located within the corporation's service area.
- (2) **The municipality containing the largest number of customers served by the corporation.**
- (3) **The county containing the largest number of customers served by the corporation.**

SECTION 18. IC 8-1-13.1-5 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 5: As used in this chapter, "director" refers to the director of the office of alternative energy incentives serving under section 9(b) of this chapter.

SECTION 19. IC 8-1-13.1-6 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 6: As used in this chapter, "fund" refers to the alternative energy incentive fund established by section 10 of this chapter.

SECTION 20. IC 8-1-13.1-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 7: As used in this chapter, "office" refers to the office of alternative energy incentives established by section 9 of this chapter.

SECTION 21. IC 8-1-13.1-9 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 9: (a) The office of alternative energy incentives is established within the Indiana office of energy development established by IC 4-3-23-3:

(b) The:

- (1) director of the Indiana office of energy development; or
- (2) designee of the Indiana office of energy development, who must be qualified by knowledge of or experience in the electric utility industry;

shall serve as the director of the office.

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## (c) The director:

(1) serves at the pleasure of and is responsible to the director of the Indiana office of energy development; if the director is a designee of the director of the Indiana office of energy development;

(2) may receive compensation in an amount determined by the director of the Indiana office of energy development; subject to the approval of the budget agency; if the director is a designee of the director of the Indiana office of energy development;

(3) serves as the chief executive and administrative officer of the office; and

(4) may, to the extent appropriate, delegate the director's authority under this chapter; subject to the approval of:

(A) the director of the Indiana office of energy development; if the director is a designee of the director of the Indiana office of energy development; and

(B) the budget agency.

## (d) The director of the Indiana office of energy development may:

(1) establish; and

(2) appoint members to;

an advisory board to advise the office in the administration of this chapter.

SECTION 22. IC 8-1-13.1-10 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 10: (a) The alternative energy incentive fund is established for the purpose of providing funds to corporations for use in the development of alternative energy projects. The fund shall be administered by the office.

## (b) The fund consists of:

(1) money appropriated to the fund by the general assembly;

(2) money received from state or federal grants or programs for alternative energy projects; and

(3) donations, gifts, and money received from any other source; including transfers from other funds or accounts.

(c) Money in the fund is continuously appropriated for the purposes of this section.

(d) Money in the fund may be spent only in accordance with this chapter and to carry out the purposes of this chapter.

(e) The expenses of administering the fund shall be paid from money in the fund.

(f) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public



retirement system under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the investment of the fund and may pay the expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 21-47-1-2 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 2: "Center", for purposes of IC 21-47-4, refers to the center for coal technology research established by IC 21-47-4-1.

SECTION 24. IC 21-47-1-3 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 3: "Fund", for purposes of IC 21-47-4, refers to the coal technology research fund established by IC 21-47-4-5.

SECTION 25. IC 21-47-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Center for Coal Technology Research).



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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