

PROPOSED AMENDMENT

HB 1278 # 1

DIGEST

Office of energy development matters. Amends the bill's provisions concerning the certification of a local unit as a commercial solar energy ready community to provide that if a unit has not adopted a commercial solar regulation: (1) the unit may apply to the office of energy development (office) for certification as a commercial solar energy ready community; and (2) the office may approve the unit's application and certify the unit as a commercial solar energy ready community if the office: (A) determines that the unit has clear standards for the construction, installation, siting, modification, operation, or decommissioning of commercial solar energy systems in the unit; and (B) makes certain findings with respect to those standards. Provides that for purposes of determining whether to certify a unit that has not adopted a commercial solar regulation, the office may consider one 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 commercial solar energy systems 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. Provides that for purposes of the statutory financial incentive that: (1) is available to a unit that is certified as a commercial solar energy ready community; and (2) is based on the megawatt hours of electricity generated by a commercial solar project constructed in the unit; the incentive begins with the start date of the project's full commercial operation or the office's certification of the unit as a commercial solar ready community, whichever is later. Specifies that the authority of the office under the bill to make a reasonable determination to certify a unit as a commercial solar energy ready community if the unit's commercial solar regulation differs in one or more respects from the statutory standards set forth for certification also applies if a unit's clear standards for the installation, siting, modification, operation, or decommissioning of commercial solar energy systems in the unit differ in one or more respects from the statutory standards for certification. Makes corresponding changes in the bill's provisions concerning the certification of a unit as a wind energy ready community. Makes conforming changes.

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- 1 Page 2, line 35, after "13(a)" insert "**or 13(b)**".
 - 2 Page 2, line 38, delete "differs" and insert "**under section 13(a) of**
 - 3 **this chapter or clear standards under section 13(b) of this chapter,**
 - 4 **as applicable, differ**".
 - 5 Page 2, line 39, after "13(a)" insert "**or 13(b)**".
 - 6 Page 2, line 40, delete "chapter;" and insert "**chapter, as**
 - 7 **applicable;**".
 - 8 Page 2, line 41, after "14(a)" insert "**or 14(b)**".
 - 9 Page 3, line 2, delete "differs" and insert "**under section 14(a) of**
 - 10 **this chapter or clear standards under section 14(b) of this chapter,**
 - 11 **as applicable, differ**".

- 1 Page 3, line 3, delete "of this chapter;" and insert "**or 14(b) of this**
 2 **chapter, as applicable;**".
- 3 Page 3, line 4, delete "regulation or wind power regulation," and
 4 insert "**regulation, wind power regulation, or clear standards,**".
- 5 Page 3, line 5, delete "does" and insert "**do**".
- 6 Page 3, line 34, strike "(b):" and insert "**(d):**".
- 7 Page 4, line 4, strike "operation." and insert "**operation or the date**
 8 **of the office's certification of the unit under this section, whichever**
 9 **is later.**".
- 10 Page 4, between lines 4 and 5, begin a new paragraph and insert:
 11 "**(b) If a unit has not adopted a commercial solar regulation, the**
 12 **unit may apply to the office for certification as a commercial solar**
 13 **energy ready community. The application must be in a form and**
 14 **manner prescribed by the office. Subject to section 12(c) of this**
 15 **chapter, the office may approve an application and certify a unit**
 16 **as a commercial solar energy ready community if the office**
 17 **determines the following:**
- 18 (1) That the unit has clear standards for the construction,
 19 installation, siting, modification, operation, or
 20 decommissioning of one (1) or more commercial solar energy
 21 systems (as defined in IC 8-1-42-2) in the unit.
- 22 (2) That the unit's clear standards:
- 23 (A) are not more restrictive, directly or indirectly, than the
 24 default standards for commercial solar energy systems set
 25 forth in IC 8-1-42;
- 26 (B) provide a clear and transparent process for project
 27 owners to identify potential commercial solar project sites;
- 28 (C) do not unreasonably eliminate portions of the unit as
 29 sites for commercial solar projects;
- 30 (D) provide for a fair review and approval process for
 31 proposed commercial solar projects, including final
 32 approval that cannot be revoked; and
- 33 (E) include a specific plan for using any funds from an
 34 incentive granted by the office under subsection (d):
- 35 (i) for economic development purposes within or near
 36 the commercial solar project's footprint; or
- 37 (ii) to otherwise benefit residents and businesses within
 38 or near the commercial solar project's footprint.
- 39 (3) That the unit has demonstrated a commitment to maintain
 40 its clear standards for a period of at least ten (10) years,

1 beginning with the start date of the commercial solar project's
2 full commercial operation or the office's certification of the
3 unit under this section, whichever is later.

4 (c) For purposes of subsection (b), the office may consider one
5 (1) or more of the following as evidence of a unit's clear standards
6 with respect to the construction, installation, siting, modification,
7 operation, or decommissioning of one (1) or more commercial solar
8 energy systems (as defined in IC 8-1-42-2) in the unit:

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

11 (2) An economic development agreement.

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

14 Page 4, line 5, strike "(b)" and insert "(d)".

15 Page 4, line 8, strike "a project owner constructs".

16 Page 4, line 9, after "project" insert "is constructed or has been
17 constructed".

18 Page 4, line 14, strike "operation," and insert "operation or the
19 date of the office's certification of the unit under this section,
20 whichever is later,".

21 Page 4, line 17, after "regulation" insert "under subsection (a) or
22 the unit's clear standards under subsection (b), as applicable,".

23 Page 4, line 21, strike "(a)(3)," and insert "(a)(3) or (b)(3), as
24 applicable,".

25 Page 4, line 24, strike "(a)(3)." and insert "(a)(3) or (b)(3), as
26 applicable,".

27 Page 4, line 25, strike "(c)" and insert "(e)".

28 Page 4, line 30, strike "(b);" and insert "(d);".

29 Page 5, line 17, strike "(b):" and insert "(d):".

30 Page 5, line 29, strike "operation." and insert "operation or the
31 date of the office's certification of the unit under this section,
32 whichever is later.".

33 Page 5, between lines 29 and 30, begin a new paragraph and insert:

34 "(b) If a unit has not adopted a wind power regulation, the unit
35 may apply to the office for certification as a wind energy ready
36 community. The application must be in a form and manner
37 prescribed by the office. Subject to section 12(c) of this chapter, the
38 office may approve an application and certify a unit as a wind
39 energy ready community if the office determines the following:

40 (1) That the unit has clear standards for the construction,

1 installation, siting, modification, operation, or
2 decommissioning of one (1) or more wind power devices (as
3 defined in IC 8-1-41-7) in the unit.

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

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

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

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

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

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

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

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

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

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

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

33 (2) An economic development agreement.

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

36 Page 5, line 30, strike "(b)" and insert "(d)".

37 Page 5, line 33, strike "a project owner constructs".

38 Page 5, line 34, after "project" insert "is constructed or has been
39 constructed".

40 Page 5, line 39, strike "operation," and insert "operation or the

1 **date of the office's certification of the unit under this section,**
 2 **whichever is later,".**

3 Page 5, line 42, after "regulation" insert "**under subsection (a) or**
 4 **the unit's clear standards under subsection (b), as applicable,".**

5 Page 6, line 4, strike "(a)(3)," and insert "**(a)(3) or (b)(3), as**
 6 **applicable,".**

7 Page 6, line 7, strike "(a)(3)." and insert "**(a)(3) or (b)(3), as**
 8 **applicable.".**

9 Page 6, line 8, strike "(c)" and insert "**(e)"**."

10 Page 6, line 13, strike "(b);" and insert "**(d);"**."

11 Page 6, between lines 16 and 17, begin a new paragraph and insert:
 12 "SECTION 6. IC 4-3-23.1-16, AS ADDED BY P.L.50-2023,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2024]: Sec. 16. (a) The commercial solar and wind energy
 15 ready communities incentive fund may be established by the office for
 16 the purpose of:

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

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

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

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

23 (1) grants, gifts, and donations intended for deposit in the fund;

24 (2) federal funds;

25 (3) interest that accrues from money in the fund; and

26 (4) any amounts returned to the fund by units under section ~~13(b)~~
 27 **13(d)** or ~~14(b)~~ **14(d)** of this chapter.

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

31 Renumber all SECTIONS consecutively.

(Reference is to HB 1278 as printed January 18, 2024.)