



Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>9</b>
<b>NO:</b>	<b>4</b>

**MR. SPEAKER:**

*Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1191, 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:*

- 1           Page 1, line 9, delete "nonrenewable or renewable energy source."
- 2           and insert "**energy source used to provide utility service, including**
- 3           **a clean energy resource (as defined in IC 8-1-37-4).**"
- 4           Page 1, line 15, after "by" insert "**a liquid petroleum gas**
- 5           **company,**".
- 6           Page 1, line 16, delete "utility or" and insert "**utility, or a**".
- 7           Page 2, line 1, after "electricity" insert "**or thermal energy**".
- 8           Page 2, line 16, delete "public utility or" and insert "**liquid**
- 9           **petroleum gas company, a public utility, or a**".
- 10          Page 2, line 18, delete "public utility or" and insert "**liquid**
- 11          **petroleum gas company, a public utility, or a**".
- 12          Page 2, delete lines 25 through 29, begin a new paragraph and

1 insert:

2 "SECTION 2. IC 21-37-8 IS ADDED TO THE INDIANA CODE  
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2021]:

5 **Chapter 8. Energy Related Requirements and Prohibitions**

6 **Sec. 1. (a) As used in this section, "net monetary savings" means**  
7 **the amount by which the overall costs associated with the electrical**  
8 **energy supplied to a state educational institution's facilities will be**  
9 **lower because of the implementation of a prohibition or restriction**  
10 **described in subsection (d) than they would have been without the**  
11 **implementation of the prohibition or restriction.**

12 **(b) As used in this section, "net monetary savings" does not**  
13 **include secondary savings or avoided or mitigated externalities not**  
14 **directly associated with the electrical energy supplied to a state**  
15 **educational institution's facilities.**

16 **(c) A determination of "net monetary savings" under subsection**  
17 **(d)(1) must consider:**

18 **(1) the stranded cost of any sources of electrical energy,**  
19 **including any sources of electrical energy supplied through:**

20 **(A) a power purchase agreement that is in effect as of the**  
21 **effective date of the prohibition or restriction described in**  
22 **subsection (d); or**

23 **(B) an electric generation facility owned or operated by the**  
24 **state educational institution as of the effective date of the**  
25 **prohibition or restriction described in subsection (d),**  
26 **including any stranded costs resulting from any part of the**  
27 **facility that is not fully depreciated as of the effective date**  
28 **of the prohibition or restriction described in subsection**  
29 **(d);**

30 **that will stop being used as a result of the implementation of**  
31 **the prohibition or restriction described in subsection (d); and**

32 **(2) the fully allocated cost of new sources of electrical energy**  
33 **that must be procured as a result of the implementation of a**  
34 **prohibition or restriction described in subsection (d);**

35 **as well as the difference in overall energy costs that would be**  
36 **incurred without the implementation of the prohibition or**  
37 **restriction and with the implementation of the prohibition and**  
38 **restriction.**

1           (d) A state educational institution may not adopt, implement, or  
 2 enforce a resolution, rule, or policy that would prohibit or restrict  
 3 the manner in which electrical energy that is supplied to its  
 4 facilities is generated, transmitted, or distributed, including any  
 5 electrical energy that is supplied to its facilities through a power  
 6 purchase agreement entered into after June 30, 2021, unless the  
 7 prohibition or restriction:

8           (1) would result in net monetary savings to the state  
 9 educational institution; or

10           (2) is in furtherance of an established academic discipline of  
 11 the state educational institution as of January 1, 2021.

12           Sec. 2. (a) As used in this section, "net monetary savings" means  
 13 the amount by which the overall costs associated with the  
 14 construction, heating, cooling, use, and maintenance of a building  
 15 or other structure will be lower because of the implementation of  
 16 a requirement described in subsection (d)(1) or (d)(2) than they  
 17 would have been without the implementation of the requirement.

18           (b) As used in this section, "net monetary savings" does not  
 19 include secondary savings or avoided or mitigated externalities not  
 20 directly associated with the construction, heating, cooling, use, and  
 21 maintenance of a building or other structure.

22           (c) A determination of "net monetary savings" under subsection  
 23 (d) must consider:

24           (1) the stranded cost of any equipment or materials that will  
 25 stop being used as a result of the implementation of a  
 26 requirement described in subsection (d)(1) or (d)(2) before the  
 27 equipment or materials are fully depreciated; and

28           (2) the fully allocated cost of new equipment and materials  
 29 that must be acquired and used as a result of the  
 30 implementation of a requirement described in subsection  
 31 (d)(1) or (d)(2);

32 as well as the difference in energy costs that would be incurred  
 33 without the implementation of the requirement and with the  
 34 implementation of the requirement.

35           (d) A state educational institution may not adopt, implement, or  
 36 enforce a resolution, rule, or policy that would:

37           (1) require the use of a particular component or type of  
 38 material in the construction of a building or other structure

1 on a campus of the state educational institution solely because  
 2 of the energy saving or energy producing qualities of the  
 3 component or material; or

4 (2) require the retrofitting of a building or other structure on  
 5 a campus of the state educational institution with a particular  
 6 device or type of material solely because of the energy saving  
 7 or energy producing qualities of the device or material;

8 unless the requirement can reasonably be expected to result in net  
 9 monetary savings within ten (10) years after the installation of the  
 10 component, material, or device, as determined by an individual  
 11 who is not an employee of or associated with the state educational  
 12 institution and who has been certified as a Certified Energy  
 13 Manager by the Association of Energy Engineers.

14 Sec. 3. (a) As used in this section, "net monetary savings" means  
 15 the amount by which the overall costs associated with the purchase  
 16 or use of motor vehicles by a state educational institution will be  
 17 lower because of the implementation of a resolution, rule, or policy  
 18 described in subsection (d) than they would have been without the  
 19 implementation of the resolution, rule, or policy.

20 (b) As used in this section, "net monetary savings" does not  
 21 include secondary savings or avoided or mitigated externalities not  
 22 directly associated with the purchase or use of motor vehicles by a  
 23 state educational institution.

24 (c) A determination of "net monetary savings" under subsection  
 25 (e)(1) must consider:

26 (1) the stranded cost of any motor vehicles that will stop being  
 27 used as a result of the implementation of a resolution, rule, or  
 28 policy described in subsection (d) before the motor vehicles  
 29 are fully depreciated; and

30 (2) the fully allocated cost of new or replacement motor  
 31 vehicles that must be purchased as a result of the  
 32 implementation of a resolution, rule, or policy described in  
 33 subsection (d);

34 as well as the difference in vehicle or fuel costs that would be  
 35 incurred without the implementation of the resolution, rule, or  
 36 policy and with the implementation of the resolution, rule, or  
 37 policy.

38 (d) Except as provided in subsection (e), a state educational

1 institution may not adopt, implement, or enforce a resolution, rule,  
2 or policy that:

- 3 (1) would prohibit, restrict, give preference to, or establish  
4 any condition concerning the purchase or use of motor  
5 vehicles by the state educational institution; and  
6 (2) is based upon the type of energy that powers the motor  
7 vehicle.

8 (e) The prohibition set forth in subsection (d) does not apply if  
9 the resolution, rule, or policy described in subsection (d):

- 10 (1) would result in net monetary savings to the state  
11 educational institution over the life of the motor vehicle; or  
12 (2) is in furtherance of an established academic discipline of  
13 the state educational institution as of January 1, 2021.

14 SECTION 3. IC 36-1-3-13 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2021]: Sec. 13. A unit does not have the power to do the  
17 following:

- 18 (1) Require that a particular component, design, or type of  
19 material be used in the construction of a building or other  
20 structure because of the energy saving or energy producing  
21 qualities of the component, design, or material.  
22 (2) Prohibit the use of a particular component, design, or type  
23 of material in the construction of a building or other structure  
24 because the component, design, or material does not meet a  
25 standard for energy saving.  
26 (3) Require that a building or other structure be retrofitted  
27 with a particular device or type of material because of the  
28 energy saving or energy producing qualities of the device or  
29 material.  
30 (4) Prohibit or restrict the purchase or use of vehicles or other  
31 machines based upon the type of energy that powers the  
32 vehicle or machine.  
33 (5) Prohibit the sale, installation, or use of any of the  
34 following:  
35 (A) Natural gas powered home heating equipment.  
36 (B) Natural gas powered home appliances.  
37 (C) Grills, stoves, and other food preparation appliances  
38 designed to be used outdoors.

- 1                   **(D) Natural gas powered:**
- 2                    **(i) heating appliances; and**
- 3                    **(ii) torches, lamps, and other decorative features;**
- 4                    **designed to be used outdoors.**
- 5                   **(6) Enact an ordinance, adopt a resolution, or enforce an**
- 6                   **ordinance or resolution that purports to exercise a power**
- 7                   **denied by subdivisions (1) through (5)."**

8                   Renumber all SECTIONS consecutively.  
                      (Reference is to HB 1191 as introduced.)

**and when so amended that said bill do pass.**

Representative Soliday

*Ed Soliday*

