



February 16, 2024

ENGROSSED HOUSE BILL No. 1163

DIGEST OF HB 1163 (Updated February 15, 2024 9:45 am - DI 140)

Citations Affected: IC 8-1.

Synopsis: Certificates of public convenience and necessity. Provides that: (1) a rural electric membership corporation (REMC); (2) a nonprofit corporation that is an electric cooperative and that has at least one member that is an REMC; and (3) certain corporations resulting from a merger or consolidation of an REMC and a telephone cooperative corporation; are exempt from the requirement that a public utility obtain a certificate of public convenience and necessity before beginning the construction, purchase, or lease of certain facilities to be used for furnishing public utility service.

Effective: July 1, 2024.

Hall, Soliday, Zimmerman, Pierce M

(SENATE SPONSOR — KOCH)

January 8, 2024, read first time and referred to Committee on Utilities, Energy and Telecommunications.

January 16, 2024, reported — Do Pass.

January 18, 2024, read second time, ordered engrossed.

January 19, 2024, engrossed.

January 22, 2024, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Utilities.

February 15, 2024, reported favorably — Do Pass.

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February 16, 2024

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.

ENGROSSED HOUSE BILL No. 1163

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

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

- 1 SECTION 1. IC 8-1-8.5-7, AS AMENDED BY P.L.264-2017,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 7. The certification requirements of this chapter
4 do not apply to a person that:
5 (1) constructs an electric generating facility primarily for that
6 person's own use and not for the primary purpose of producing
7 electricity, heat, or steam for sale to or for the public for
8 compensation;
9 (2) constructs an alternate energy production facility,
10 cogeneration facility, or a small hydro facility that complies with
11 the limitations set forth in IC 8-1-2.4-5;
12 (3) is a municipal utility, including a joint agency created under
13 IC 8-1-2.2-8, and installs an electric generating facility that has a
14 capacity of ten thousand (10,000) kilowatts or less; ~~or~~
15 (4) is a public utility and:
16 (A) installs a clean energy project described in IC 8-1-8.8-2(2)
17 that is approved by the commission and that:

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- 1 (i) uses a clean energy resource described in
 2 IC 8-1-37-4(a)(1), IC 8-1-37-4(a)(2), or IC 8-1-37-4(a)(5);
 3 and
 4 (ii) has a nameplate capacity of not more than fifty thousand
 5 (50,000) kilowatts; and
 6 (B) uses a contractor that:
 7 (i) is subject to Indiana unemployment taxes; and
 8 (ii) is selected by the public utility through bids solicited in
 9 a competitive procurement process;
 10 in the engineering, procurement, or construction of the project;
 11 or
 12 **(5) is:**
 13 **(A) a corporation organized under IC 8-1-13;**
 14 **(B) a corporation organized under IC 23-17 that is an**
 15 **electric cooperative and that has at least one (1) member**
 16 **that is a corporation organized under IC 8-1-13; or**
 17 **(C) a:**
 18 **(i) surviving corporation that remains after a merger of**
 19 **two (2) or more corporations under IC 8-1-17.5; or**
 20 **(ii) successor corporation that is formed from a**
 21 **consolidation of two (2) or more corporations under**
 22 **IC 8-1-17.5;**
 23 **that installs an electric generating facility that has a capacity**
 24 **of ten thousand (10,000) kilowatts or less.**
 25 However, a person described in this section shall, nevertheless, be
 26 required to report to the commission the proposed construction of such
 27 a facility before beginning construction of the facility.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1163, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1163 as introduced.)

SOLIDAY

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred House Bill No. 1163, 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 HB 1163 as printed January 16, 2024.)

KOCH, Chairperson

Committee Vote: Yeas 9, Nays 0

