

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. 1163

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-8.5-7, AS AMENDED BY P.L.264-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. The certification requirements of this chapter do not apply to a person that:

- (1) constructs an electric generating facility primarily for that person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation;
- (2) constructs an alternate energy production facility, cogeneration facility, or a small hydro facility that complies with the limitations set forth in IC 8-1-2.4-5;
- (3) is a municipal utility, including a joint agency created under IC 8-1-2.2-8, and installs an electric generating facility that has a capacity of ten thousand (10,000) kilowatts or less; ~~or~~
- (4) is a public utility and:
 - (A) installs a clean energy project described in IC 8-1-8.8-2(2) that is approved by the commission and that:
 - (i) uses a clean energy resource described in IC 8-1-37-4(a)(1), IC 8-1-37-4(a)(2), or IC 8-1-37-4(a)(5); and
 - (ii) has a nameplate capacity of not more than fifty thousand (50,000) kilowatts; and

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(B) uses a contractor that:
(i) is subject to Indiana unemployment taxes; and
(ii) is selected by the public utility through bids solicited in a competitive procurement process;
in the engineering, procurement, or construction of the project;
or

(5) is:

(A) a corporation organized under IC 8-1-13;

(B) a corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13; or

(C) a:

(i) surviving corporation that remains after a merger of two (2) or more corporations under IC 8-1-17.5; or

(ii) successor corporation that is formed from a consolidation of two (2) or more corporations under IC 8-1-17.5;

that installs an electric generating facility that has a capacity of ten thousand (10,000) kilowatts or less.

However, a person described in this section shall, nevertheless, be required to report to the commission the proposed construction of such a facility before beginning construction of the facility.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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