



February 11, 2021

HOUSE BILL No. 1381

DIGEST OF HB 1381 (Updated February 10, 2021 10:34 am - DI 101)

Citations Affected: IC 8-1; IC 36-1; IC 36-7.

Synopsis: Commercial wind and solar standards and siting. Establishes default standards concerning the following with respect to developments to install or locate wind power devices in local units: (1) Setback requirements. (2) Height restrictions. (3) Shadow flicker limitations. (4) Signal interference. (5) Sound level limitations. (6) Project decommissioning. Provides that a permit authority for a local unit may not restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit unless the unit first adopts a wind power regulation. Provides that a permit authority may not impose standards that: (1) concern wind power devices in the unit; and (2) are more restrictive than the default standards. Specifies that a unit may do the following: (1) Adopt and enforce a wind power regulation that includes standards that are less restrictive than the default wind power standards set forth in the bill. (2) Waive or make less restrictive any standard set forth in: (A) the bill's default wind power standards; or (B) a wind power regulation adopted by the unit; with respect to any one wind power device, subject to the consent of each owner of property on which, or adjacent to where, the particular wind power device will be located. Establishes procedures for the permitting or approval process for the siting of wind power devices in a local unit. Sets forth various elements of the required procedures. Establishes default standards concerning the following with respect to
(Continued next page)

Effective: Upon passage; July 1, 2021.

Soliday

January 14, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.
February 11, 2021, amended, reported — Do Pass.

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Digest Continued

projects to install or locate commercial solar energy systems (CSE systems) in a unit: (1) Setback requirements. (2) Height restrictions. (3) Ground cover. (4) Fencing. (5) Cables. (6) Glare. (7) Signal interference. (8) Sound level limitations. (9) Project decommissioning. Provides that a permit authority for a local unit may not restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit unless the unit first adopts a commercial solar regulation. Provides that a permit authority may not impose standards that: (1) concern CSE systems in the unit; and (2) are more restrictive than the default standards. Specifies that a unit may do the following: (1) Adopt and enforce a commercial solar regulation that includes standards that are less restrictive than the default CSE system standards set forth in the bill. (2) Waive or make less restrictive any standard set forth in: (A) the bill's default CSE system standards; or (B) a commercial solar regulation adopted by the unit; with respect to any one CSE system, subject to the consent of each owner of property on which, or adjacent to where, the particular CSE system will be located. Establishes procedures for the permitting or approval process for the siting of CSE systems in a local unit. Sets forth various elements of the required procedures. Makes conforming amendments to Indiana's home rule statute.

HB 1381—LS 7405/DI 101



February 11, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1381

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 8-1-41 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 41. Default Standards for Wind Power Devices**

5 **Sec. 1. (a) This chapter applies to a project owner that, after**
6 **June 30, 2021, seeks to install or locate one (1) or more wind power**
7 **devices in a unit that:**

8 **(1) has not adopted a wind power regulation; or**

9 **(2) has:**

10 **(A) adopted a wind power regulation that includes**
11 **standards that are more restrictive, directly or indirectly,**
12 **than the standards set forth in this chapter; and**

13 **(B) failed to amend the wind power regulation as required**
14 **by IC 36-1-3-8.7(g).**

15 **(b) Subject to a unit's planning and zoning powers under**
16 **IC 36-7, this chapter does not apply to a property owner who seeks**
17 **to install a wind power device on the property owner's premises for**

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1 the purpose of generating electricity to meet or offset all or part of
 2 the need for electricity on the premises, whether through
 3 distributed generation, participation in a net metering or feed-in
 4 tariff program offered by an electricity supplier (as defined in
 5 IC 8-1-40-4), or otherwise.

6 Sec. 2. As used in this chapter, "dwelling" means any building,
 7 structure, or part of a building or structure that is occupied as, or
 8 is designed or intended for occupancy as, a residence by one (1) or
 9 more families or individuals.

10 Sec. 3. (a) As used in this chapter, "nonparticipating property"
 11 means a lot or parcel of real property:

12 (1) that is not owned by a project owner; and

13 (2) with respect to which:

14 (A) the project owner does not seek:

15 (i) to install or locate one (1) or more wind power devices
 16 or other facilities related to a wind power project
 17 (including power lines, temporary or permanent access
 18 roads, or other temporary or permanent infrastructure);
 19 or

20 (ii) to otherwise enter into a lease or any other
 21 agreement with the owner of the property for use of all
 22 or part of the property in connection with a wind power
 23 project; or

24 (B) the owner of the property does not consent:

25 (i) to having one (1) or more wind power devices or other
 26 facilities related to a wind power project (including
 27 power lines, temporary or permanent access roads, or
 28 other temporary or permanent infrastructure) installed
 29 or located; or

30 (ii) to otherwise enter into a lease or any other
 31 agreement with the project owner for use of all or part
 32 of the property in connection with a wind power project.

33 (b) The term does not include a lot or parcel of real property
 34 otherwise described in subsection (a) if the owner of the lot or
 35 parcel consents to participate in a wind power project through a
 36 neighbor agreement, a participation agreement, or another similar
 37 arrangement or agreement with a project owner.

38 Sec. 4. (a) As used in this chapter, "permit authority" means:

39 (1) a unit; or

40 (2) a board, a commission, or any other governing body of a
 41 unit;

42 that makes legislative or administrative decisions concerning the



1 construction, installation, siting, modification, operation, or
2 decommissioning of wind power devices in the unit.

3 (b) The term does not include:

- 4 (1) the state or any of its agencies, departments, boards,
5 commissions, authorities, or instrumentalities; or
6 (2) a court or other judicial body that reviews decisions or
7 rulings made by a permit authority.

8 Sec. 5. (a) As used in this chapter, "project owner" means a
9 person that:

- 10 (1) will own one (1) or more wind power devices proposed to
11 be located in a unit; or
12 (2) owns one (1) or more wind power devices located in a unit.

13 (b) The term includes an agent or a representative of a person
14 described in subsection (a).

15 Sec. 6. (a) As used in this chapter, "unit" refers to:

16 (1) a county, if a project owner, as part of a single wind power
17 project or development, seeks to locate one (1) or more wind
18 power devices:

- 19 (A) entirely within unincorporated areas of the county;
20 (B) within both unincorporated areas of the county and
21 one (1) or more municipalities within the county; or
22 (C) entirely within two (2) or more municipalities within
23 the county; or

24 (2) a municipality, if:

- 25 (A) a project owner, as part of a single wind power project
26 or development, seeks to locate one (1) or more wind
27 power devices entirely within the boundaries of the
28 municipality; and
29 (B) subdivision (1)(B) or (1)(C) does not apply.

30 (b) The term refers to:

- 31 (1) each county described in subsection (a)(1) in which a
32 project owner seeks to locate one (1) or more wind power
33 devices, if the project owner seeks to locate wind power
34 devices in more than one (1) county as part of a single wind
35 power project or development; and
36 (2) each municipality described in subsection (a)(2) in which
37 a project owner seeks to locate one (1) or more wind power
38 devices, if the project owner seeks to locate wind power
39 devices in two (2) or more municipalities, each of which is
40 located in a different county.

41 Sec. 7. As used in this chapter, "wind power device" means a
42 device, including a windmill or a wind turbine, that is designed to



1 use the kinetic energy of moving air to provide mechanical energy
2 or to produce electricity.

3 **Sec. 8. As used in this chapter, "wind power regulation" refers**
4 **to any ordinance or regulation, including any:**

5 (1) zoning or land use ordinance or regulation; or

6 (2) general or specific planning ordinance or regulation;

7 that is adopted by a unit and that concerns the construction,
8 installation, siting, modification, operation, or decommissioning of
9 wind power devices in the unit.

10 **Sec. 9. (a) Except as provided in subsection (d), the standards set**
11 **forth in sections 10 through 14 of this chapter apply with respect**
12 **to any proposal by a project owner to install or locate one (1) or**
13 **more wind power devices in a unit described in section 1(a) of this**
14 **chapter. The permit authority for a unit described in section**
15 **1(a)(1) of this chapter may not, directly or indirectly, restrict, or**
16 **impose conditions or limitations on, the construction, installation,**
17 **siting, modification, operation, or decommissioning of one (1) or**
18 **more wind power devices in the unit unless the unit first adopts a**
19 **wind power regulation, as required by IC 36-1-3-8.7(f)(1).**
20 **However, in no case may any unit impose standards, whether by**
21 **regulation or otherwise, that:**

22 (1) concern the construction, installation, siting, modification,
23 operation, or decommissioning of wind power devices in the
24 unit; and

25 (2) are more restrictive, directly or indirectly, than the
26 standards set forth in this chapter;

27 as provided in IC 36-1-3-8.7(f)(3).

28 (b) Except as provided in:

29 (1) subsection (a);

30 (2) IC 36-1-3-8.7; and

31 (3) IC 36-7-5.3;

32 this chapter does not otherwise affect a unit's planning and zoning
33 powers under IC 36-7 with respect to the installation or siting of
34 one (1) or more wind power devices in the unit.

35 (c) A permit authority for a unit described in section 1(a) of this
36 chapter is responsible for enforcing compliance with:

37 (1) this chapter;

38 (2) IC 36-7-5.3; and

39 (3) in the case of a unit described in section 1(a)(2) of this
40 chapter, any part of the unit's wind power regulation, to the
41 extent such part is not:

42 (A) more restrictive than this chapter; or



- 1 **(B) inconsistent with IC 36-7-5.3.**
 2 **(d) A unit may:**
 3 **(1) adopt and enforce a wind power regulation that includes**
 4 **standards that:**
 5 **(A) concern the construction, installation, siting,**
 6 **modification, operation, or decommissioning of wind**
 7 **power devices in the unit; and**
 8 **(B) are less restrictive than the standards set forth in this**
 9 **chapter; or**
 10 **(2) waive or make less restrictive any standard set forth in:**
 11 **(A) this chapter; or**
 12 **(B) a wind power regulation adopted by the unit in**
 13 **compliance with IC 36-1-3-8.7(f)(3);**
 14 **with respect to any one (1) wind power device, subject to the**
 15 **consent of each owner of property on which, or adjacent to**
 16 **where, the particular wind power device will be located.**
 17 **Sec. 10. (a) Subject to subsection (f), and except as otherwise**
 18 **allowed by IC 36-7-4-1109, a project owner may not install or**
 19 **locate a wind power device on property in a unit unless the**
 20 **distance, measured as a straight line, from the vertical centerline**
 21 **of the base of the wind power device to:**
 22 **(1) the centerline of any:**
 23 **(A) runway located on a public use airport, private use**
 24 **airport, or municipal airport;**
 25 **(B) public use highway, street, or road; or**
 26 **(C) railroad easement or right-of-way; or**
 27 **(2) the property line of any nonparticipating property;**
 28 **is equal to a distance that is at least one and one-tenth (1.1) times**
 29 **the wind power device's blade tip height, as measured from the**
 30 **ground to the tip of the blade.**
 31 **(b) Subject to subsection (f), and except as otherwise allowed by**
 32 **IC 36-7-4-1109, a project owner may not install or locate a wind**
 33 **power device on property in a unit unless the distance, measured**
 34 **as a straight line, from the vertical centerline of the base of the**
 35 **wind power device to the nearest point on the outer wall of a**
 36 **dwelling located on a nonparticipating property is equal to a**
 37 **distance that is at least three (3) times the wind power device's**
 38 **blade tip height, as measured from the ground to the tip of the**
 39 **blade.**
 40 **(c) Except as otherwise allowed by IC 36-7-4-1109, a project**
 41 **owner may not install or locate a wind power device on property**
 42 **in a unit unless the distance, measured as a straight line, from the**



1 vertical centerline of the base of the wind power device to the
 2 nearest edge of the right-of-way for any utility transmission or
 3 distribution line is equal to a distance that is at least one and
 4 two-tenths (1.2) times the wind power device's blade tip height, as
 5 measured from the ground to the tip of the blade.

6 (d) Except as otherwise allowed by IC 36-7-4-1109, a project
 7 owner may not install or locate a wind power device on property
 8 in a unit unless the distance, measured as a straight line, from the
 9 vertical centerline of the base of the wind power device to the
 10 property line of any undeveloped land within the unit that is zoned
 11 or platted for residential use is equal to a distance that is at least
 12 two (2) times the wind power device's blade tip height, as measured
 13 from the ground to the tip of the blade.

14 (e) Except as otherwise allowed by IC 36-7-4-1109, a permit
 15 authority, with respect to the siting or construction of any wind
 16 power device within the unit, may not set a blade tip height
 17 limitation, through a wind power regulation or otherwise, that is
 18 more restrictive than the standards of the Federal Aviation
 19 Administration under 14 CFR Part 77 concerning the safe, efficient
 20 use and preservation of the navigable airspace.

21 (f) The distance requirements set forth in subsections (a)(2) and
 22 (b) may be waived with respect to the siting of any one (1) wind
 23 power device, subject to the written consent of the owner of each
 24 affected nonparticipating property.

25 Sec. 11. (a) Subject to subsection (c), and except as otherwise
 26 allowed by IC 36-7-4-1109, a project owner may not install or
 27 locate one (1) or more wind power devices in a unit unless the
 28 project owner demonstrates to the permit authority that with
 29 respect to each wind power device that the project owner seeks to
 30 install or locate in the unit:

31 (1) the project owner has used shadow flicker computer
 32 modeling to estimate the amount of shadow flicker anticipated
 33 to be caused by the wind power device; and

34 (2) the wind power device has been designed such that
 35 industry standard computer modeling indicates that any
 36 dwelling on a nonparticipating property within the unit will
 37 not experience more than thirty (30) hours per year of shadow
 38 flicker under planned operating conditions for the wind
 39 power device.

40 (b) After a project owner installs or locates a wind power device
 41 in a unit, as authorized by the permit authority in accordance with
 42 this chapter and IC 36-7-5.3, the project owner shall work with the



1 owner of any affected dwelling on a nonparticipating property to
 2 mitigate the effects of shadow flicker to the extent reasonably
 3 practicable.

4 (c) The requirement set forth in subsection (a)(2) may be waived
 5 with respect to any one (1) wind power device, subject to the
 6 written consent of the owner of each affected nonparticipating
 7 property.

8 **Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, a wind
 9 power device installed in a unit must not interfere with:**

- 10 (1) television signals;
 11 (2) microwave signals;
 12 (3) agricultural global positioning systems;
 13 (4) military defense radar; or
 14 (5) radio reception.

15 **Sec. 13. (a) Subject to subsection (b), and except as otherwise
 16 allowed by IC 36-7-4-1109, a project owner may not install or
 17 locate a wind power device in a unit unless the project owner
 18 demonstrates to the permit authority that the wind power device
 19 will operate in a manner such that the sound attributable to the
 20 wind power device will not exceed an hourly average sound level
 21 of fifty (50) A-weighted decibels, as modeled at the outer wall of an
 22 affected dwelling.**

23 (b) The requirement set forth in subsection (a) may be waived
 24 with respect to any one (1) wind power device, subject to the
 25 written consent of the owner of each affected property.

26 **Sec. 14. (a) Subject to subsection (b), and except as otherwise
 27 allowed by IC 36-7-4-1109, a project owner may not install or
 28 locate a wind power device in a unit unless the project owner
 29 submits to the permit authority the decommissioning and site
 30 restoration plan required by IC 36-7-5.3-9(a)(9), and posts a surety
 31 bond, or an equivalent means of security acceptable to the permit
 32 authority, including a parent company guarantee or an irrevocable
 33 letter of credit, in an amount equal to the estimated cost of
 34 decommissioning the wind power device, as calculated by a third
 35 party licensed or registered engineer, or by another person with
 36 suitable experience in the decommissioning of wind power devices,
 37 as agreed upon by the project owner and the permit authority. The
 38 required bond or other security shall be posted in increments such
 39 that the total amount of the bond or security posted is as follows:**

- 40 (1) An amount equal to twenty-five percent (25%) of the total
 41 estimated decommissioning costs not later than the start date
 42 of the wind power device's full commercial operation. For



1 purposes of this subdivision, the total estimated
2 decommissioning costs shall be reevaluated by a third party
3 licensed or registered engineer (or by another person with
4 suitable experience in the decommissioning of wind power
5 devices, as agreed upon by the project owner and the permit
6 authority) before the:

7 (A) fifth anniversary; and

8 (B) tenth anniversary;

9 of the start date of the wind power device's full commercial
10 operation, and the total amount of the bond or security posted
11 under this subdivision shall be adjusted as necessary after
12 each reevaluation.

13 (2) An amount equal to fifty percent (50%) of the total
14 estimated decommissioning costs not later than the fifteenth
15 anniversary of the start date of the wind power device's full
16 commercial operation. For purposes of this subdivision, the
17 total estimated decommissioning costs shall be reevaluated by
18 a third party licensed or registered engineer (or by another
19 person with suitable experience in the decommissioning of
20 wind power devices, as agreed upon by the project owner and
21 the permit authority) before the fifteenth anniversary of the
22 start date of the wind power device's full commercial
23 operation, and the total amount of the bond or security posted
24 under this subdivision shall be adjusted as necessary after the
25 reevaluation.

26 (3) An amount equal to one hundred percent (100%) of the
27 total estimated decommissioning costs not later than the
28 twentieth anniversary of the start date of the wind power
29 device's full commercial operation. For purposes of this
30 subdivision, the total estimated decommissioning costs shall
31 be reevaluated by a third party licensed or registered
32 engineer (or by another person with suitable experience in the
33 decommissioning of wind power devices, as agreed upon by
34 the project owner and the permit authority):

35 (A) before the twentieth anniversary of the start date of the
36 wind power device's full commercial operation; and

37 (B) upon every succeeding five (5) year period after the
38 twentieth anniversary of the start date of the wind power
39 device's full commercial operation;

40 and the total amount of the bond or security posted under this
41 subdivision shall be adjusted as necessary after each
42 reevaluation.



1 (b) For purposes of this section, the estimated cost of
 2 decommissioning a wind power device, as calculated by a licensed
 3 or registered professional engineer (or by another person with
 4 suitable experience in the decommissioning of wind power devices,
 5 as agreed upon by the project owner and the permit authority),
 6 shall be the net of any estimated salvage value attributable to the
 7 wind power device at the time of decommissioning, unless the unit
 8 and the project owner agree to include any such value in the
 9 estimated cost.

10 SECTION 2. IC 8-1-42 IS ADDED TO THE INDIANA CODE AS
 11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 12 PASSAGE]:

13 **Chapter 42. Default Standards for Commercial Solar Energy**
 14 **Systems**

15 **Sec. 1. (a) This chapter applies to a project owner that, after**
 16 **June 30, 2021, seeks to install or locate one (1) or more commercial**
 17 **solar energy systems in a unit that:**

18 (1) has not adopted a commercial solar regulation; or

19 (2) has:

20 (A) adopted a commercial solar regulation that includes
 21 standards that are more restrictive, directly or indirectly,
 22 than the standards set forth in this chapter; and

23 (B) failed to amend the commercial solar regulation as
 24 required by IC 36-1-3-8.8(g).

25 (b) Subject to a unit's planning and zoning powers under
 26 IC 36-7, this chapter does not apply to a property owner who seeks
 27 to install a solar energy device (as defined in IC 32-23-4-3) on the
 28 property owner's premises for the purpose of generating electricity
 29 to meet or offset all or part of the need for electricity on the
 30 premises, whether through distributed generation, participation in
 31 a net metering or feed-in tariff program offered by an electricity
 32 supplier (as defined in IC 8-1-40-4), or otherwise.

33 **Sec. 2. (a) As used in this chapter, "commercial solar energy**
 34 **system", or "CSE system", means a system that:**

35 (1) has a nameplate capacity of at least ten (10) megawatts;
 36 and

37 (2) captures and converts solar energy into electricity:

38 (A) for the purpose of selling the electricity at wholesale;
 39 and

40 (B) for use in locations other than where it is generated.

41 (b) The term includes collection and feeder lines, substations,
 42 ancillary buildings, solar monitoring stations, and accessory



1 equipment or structures.

2 **Sec. 3. As used in this chapter, "commercial solar regulation"**
3 **refers to any ordinance or regulation, including any:**

4 (1) zoning or land use ordinance or regulation; or

5 (2) general or specific planning ordinance or regulation;

6 that is adopted by a unit and that concerns the construction,
7 installation, siting, modification, operation, or decommissioning of
8 CSE systems in the unit.

9 **Sec. 4. As used in this chapter, "dwelling" means any building,**
10 **structure, or part of a building or structure that is occupied as, or**
11 **is designed or intended for occupancy as, a residence by one (1) or**
12 **more families or individuals.**

13 **Sec. 5. (a) As used in this chapter, "nonparticipating property"**
14 **means a lot or parcel of real property:**

15 (1) that is not owned by a project owner; and

16 (2) with respect to which:

17 (A) the project owner does not seek:

18 (i) to install or locate one (1) or more CSE systems or
19 other facilities related to a CSE system project (including
20 power lines, temporary or permanent access roads, or
21 other temporary or permanent infrastructure); or

22 (ii) to otherwise enter into a lease or any other
23 agreement with the owner of the property for use of all
24 or part of the property in connection with a CSE system
25 project; or

26 (B) the owner of the property does not consent:

27 (i) to having one (1) or more CSE systems or other
28 facilities related to a CSE system project (including
29 power lines, temporary or permanent access roads, or
30 other temporary or permanent infrastructure) installed
31 or located; or

32 (ii) to otherwise enter into a lease or any other
33 agreement with the project owner for use of all or part
34 of the property in connection with a CSE system project.

35 (b) The term does not include a lot or parcel of real property
36 otherwise described in subsection (a) if the owner of the lot or
37 parcel consents to participate in a CSE system project through a
38 neighbor agreement, a participation agreement, or another similar
39 arrangement or agreement with a project owner.

40 **Sec. 6. (a) As used in this chapter, "permit authority" means:**

41 (1) a unit; or

42 (2) a board, a commission, or any other governing body of a



1 **unit;**
2 **that makes legislative or administrative decisions concerning the**
3 **construction, installation, siting, modification, operation, or**
4 **decommissioning of CSE systems in the unit.**
5 **(b) The term does not include:**
6 **(1) the state or any of its agencies, departments, boards,**
7 **commissions, authorities, or instrumentalities; or**
8 **(2) a court or other judicial body that reviews decisions or**
9 **rulings made by a permit authority.**
10 **Sec. 7. (a) As used in this chapter, "project owner" means a**
11 **person that:**
12 **(1) will own one (1) or more CSE systems proposed to be**
13 **located in a unit; or**
14 **(2) owns one (1) or more CSE systems located in a unit.**
15 **(b) The term includes an agent or a representative of a person**
16 **described in subsection (a).**
17 **Sec. 8. (a) As used in this chapter, "unit" refers to:**
18 **(1) a county, if a project owner, as part of a single CSE system**
19 **project or development, seeks to locate one (1) or more CSE**
20 **systems:**
21 **(A) entirely within unincorporated areas of the county;**
22 **(B) within both unincorporated areas of the county and**
23 **one (1) or more municipalities within the county; or**
24 **(C) entirely within two (2) or more municipalities within**
25 **the county; or**
26 **(2) a municipality, if:**
27 **(A) a project owner, as part of a single CSE system project**
28 **or development, seeks to locate one (1) or more CSE**
29 **systems entirely within the boundaries of the municipality;**
30 **and**
31 **(B) subdivision (1)(B) or (1)(C) does not apply.**
32 **(b) The term refers to:**
33 **(1) each county described in subsection (a)(1) in which a**
34 **project owner seeks to locate one (1) or more CSE systems, if**
35 **the project owner seeks to locate CSE systems in more than**
36 **one (1) county as part of a single CSE system project or**
37 **development; and**
38 **(2) each municipality described in subsection (a)(2) in which**
39 **a project owner seeks to locate one (1) or more CSE systems,**
40 **if the project owner seeks to locate CSE systems in two (2) or**
41 **more municipalities, each of which is located in a different**
42 **county.**



1 **Sec. 9. (a) Except as provided in subsection (d), the standards set**
 2 **forth in sections 10 through 19 of this chapter apply with respect**
 3 **to any proposal by a project owner to install or locate one (1) or**
 4 **more CSE systems in a unit described in section 1(a) of this**
 5 **chapter. The permit authority for a unit described in section**
 6 **1(a)(1) of this chapter may not, directly or indirectly, restrict, or**
 7 **impose conditions or limitations on, the construction, installation,**
 8 **siting, modification, operation, or decommissioning of one (1) or**
 9 **more CSE systems in the unit unless the unit first adopts a**
 10 **commercial solar regulation, as required by IC 36-1-3-8.8(f)(1).**
 11 **However, in no case may any unit impose standards, whether by**
 12 **regulation or otherwise, that:**

13 **(1) concern the construction, installation, siting, modification,**
 14 **operation, or decommissioning of CSE systems in the unit;**
 15 **and**

16 **(2) are more restrictive, directly or indirectly, than the**
 17 **standards set forth in this chapter;**

18 **as provided in IC 36-1-3-8.8(f)(3).**

19 **(b) Except as provided in:**

20 **(1) subsection (a);**

21 **(2) IC 36-1-3-8.8; and**

22 **(3) IC 36-7-5.4;**

23 **this chapter does not otherwise affect a unit's planning and zoning**
 24 **powers under IC 36-7 with respect to the installation or siting of**
 25 **one (1) or more CSE systems in the unit.**

26 **(c) A permit authority for a unit described in section 1(a) of this**
 27 **chapter is responsible for enforcing compliance with:**

28 **(1) this chapter;**

29 **(2) IC 36-7-5.4; and**

30 **(3) in the case of a unit described in section 1(a)(2) of this**
 31 **chapter, any part of the unit's commercial solar regulation, to**
 32 **the extent such part is not:**

33 **(A) more restrictive than this chapter; or**

34 **(B) inconsistent with IC 36-7-5.4.**

35 **(d) A unit may:**

36 **(1) adopt and enforce a commercial solar regulation that**
 37 **includes standards that:**

38 **(A) concern the construction, installation, siting,**
 39 **modification, operation, or decommissioning of CSE**
 40 **systems in the unit; and**

41 **(B) are less restrictive than the standards set forth in this**
 42 **chapter; or**



1 (2) waive or make less restrictive any standard set forth in:

2 (A) this chapter; or

3 (B) a commercial solar regulation adopted by the unit in
4 compliance with IC 36-1-3-8.8(f)(3);

5 with respect to any one (1) CSE system, subject to the consent
6 of each owner of property on which, or adjacent to where, the
7 particular CSE system will be located.

8 Sec. 10. (a) Subject to subsection (d), and except as otherwise
9 allowed by IC 36-7-4-1109, a project owner may not install or
10 locate a CSE system on property in a unit unless the distance,
11 measured as a straight line, from the nearest outer edge of the CSE
12 system to:

13 (1) the nearest edge of the right-of-way for any:

14 (A) federal interstate highway, federal highway, state
15 highway, or county highway is at least forty (40) feet;

16 (B) collector road is at least thirty (30) feet; or

17 (C) local road is at least ten (10) feet; or

18 (2) the property line of any nonparticipating property is at
19 least fifty (50) feet.

20 (b) Subject to subsection (d), and except as otherwise allowed by
21 IC 36-7-4-1109, a project owner may not install or locate a CSE
22 system on property in a unit unless the distance, measured as a
23 straight line, from the nearest outer edge of the CSE system to the
24 nearest point on the outer wall of a dwelling located on a
25 nonparticipating property is at least one hundred fifty (150) feet.

26 (c) Subject to subsection (d), and except as otherwise allowed by
27 IC 36-7-4-1109, if a project owner installs a CSE system within a
28 distance of two hundred fifty (250) feet, measured as a straight
29 line, from the nearest outer edge of the CSE system to the nearest
30 point on the outer wall of a dwelling located on a nonparticipating
31 property, the project owner shall install a landscape buffer in the
32 area between the nearest outer edge of the CSE system and the
33 outer wall of the dwelling located on the nonparticipating
34 property:

35 (1) in a location; and

36 (2) constructed from such materials;

37 as set forth in a plan submitted to the unit in the application
38 required under IC 36-7-5.4-9 during the permitting and approval
39 process for the CSE system.

40 (d) Except as otherwise allowed by IC 36-7-4-1109, a project
41 owner may not install or locate a CSE system on property in a unit
42 unless the height of the CSE system is not more than twenty-five



1 (25) feet above ground level when the CSE system's arrays are at
2 full tilt. However, a permit authority or a unit may not impose a
3 clearance requirement between the ground and the bottom edge of
4 a CSE system's solar panels.

5 (e) The:
6 (1) distance requirements set forth in subsection (a)(2) and
7 subsection (b); and
8 (2) requirement for the installation of a landscape buffer set
9 forth in subsection (c);
10 may be waived with respect to the siting of any one (1) CSE system,
11 subject to the written consent of the owner of each affected
12 nonparticipating property.

13 Sec. 11. Except as otherwise allowed by IC 36-7-4-1109, if a
14 project owner installs a CSE system in a unit, the project owner
15 shall:

16 (1) plant;
17 (2) establish; and
18 (3) maintain for the life of the CSE system;
19 perennial vegetated ground cover on the ground around and under
20 solar panels, and in project site buffer areas. The use of pollinator
21 seed mixes in the planting of ground cover required by this section
22 is encouraged. Maintenance shall be performed in a manner
23 designed to eradicate noxious weeds.

24 Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, if a
25 project owner installs a CSE system in a unit, the project owner
26 shall completely enclose the CSE system with fencing that is at
27 least six (6) feet high.

28 Sec. 13. Except as otherwise allowed by IC 36-7-4-1109, if a
29 project owner installs a CSE system in a unit, all cables of up to
30 thirty-four and one-half (34.5) kilovolts that are located between
31 inverter locations and project substations shall be located and
32 maintained underground. Other solar infrastructure, such as
33 module-to-module collection cables, transmission lines, substations,
34 junction boxes, and other typical aboveground infrastructure may
35 be located and maintained above ground. Buried cables shall be at
36 a depth of at least thirty-six (36) inches below grade or, if
37 necessitated by onsite conditions, at a greater depth. Cables and
38 lines located outside of the CSE system project site may be located
39 above ground or may be buried underground at a depth of at least
40 thirty-six (36) inches below grade.

41 Sec. 14. Except as otherwise allowed by IC 36-7-4-1109, a CSE
42 system installed by a project owner must be designed and



- 1 constructed to:
- 2 (1) minimize glare on adjacent properties and roadways; and
- 3 (2) not interfere with vehicular traffic, including air traffic.
- 4 Sec. 15. Except as otherwise allowed by IC 36-7-4-1109, a CSE
- 5 system installed in a unit must not interfere with:
- 6 (1) television signals;
- 7 (2) microwave signals;
- 8 (3) agricultural global positioning systems;
- 9 (4) military defense radar; or
- 10 (5) radio reception.
- 11 Sec. 16. (a) Subject to subsection (b), and except as otherwise
- 12 allowed by IC 36-7-4-1109, a project owner may not install or
- 13 locate a CSE system in a unit unless the project owner
- 14 demonstrates to the permit authority that the CSE system will
- 15 operate in a manner such that the sound attributable to the CSE
- 16 system will not exceed an hourly average sound level of sixty (60)
- 17 A-weighted decibels, as modeled at the outer wall of a dwelling
- 18 located on an adjacent nonparticipating property.
- 19 (b) The requirement set forth in subsection (a) may be waived
- 20 with respect to any one (1) CSE system, subject to the written
- 21 consent of the owner of each adjacent nonparticipating property.
- 22 Sec. 17. (a) Subject to subsection (b), and except as otherwise
- 23 allowed by IC 36-7-4-1109, a project owner may not install or
- 24 locate a CSE system in a unit unless the project owner submits to
- 25 the permit authority the decommissioning and site restoration plan
- 26 required by IC 36-7-5.4-9(a)(9), and posts a surety bond, or an
- 27 equivalent means of security acceptable to the permit authority,
- 28 including a parent company guarantee or an irrevocable letter of
- 29 credit, in an amount equal to the estimated cost of
- 30 decommissioning the CSE system, as calculated by a third party
- 31 licensed or registered engineer or by another person with suitable
- 32 experience in the decommissioning of CSE systems, as agreed upon
- 33 by the project owner and the permit authority. The required bond
- 34 or other security shall be posted in increments such that the total
- 35 amount of the bond or security posted is as follows:
- 36 (1) An amount equal to twenty-five percent (25%) of the total
- 37 estimated decommissioning costs not later than the start date
- 38 of the CSE system's full commercial operation.
- 39 (2) An amount equal to fifty percent (50%) of the total
- 40 estimated decommissioning costs not later than the fifth
- 41 anniversary of the start date of the CSE system's full
- 42 commercial operation.



1 **(3) An amount equal to one hundred percent (100%) of the**
 2 **total estimated decommissioning costs not later than the tenth**
 3 **anniversary of the start date of the CSE system's full**
 4 **commercial operation. For purposes of this subdivision, the**
 5 **total estimated decommissioning costs shall be reevaluated by**
 6 **a third party licensed or registered engineer (or by another**
 7 **person with suitable experience in the decommissioning of**
 8 **CSE systems, as agreed upon by the project owner and the**
 9 **permit authority):**

10 **(A) before the tenth anniversary of the start date of the**
 11 **CSE system's full commercial operation; and**

12 **(B) upon every succeeding five (5) year period after the**
 13 **tenth anniversary of the start date of the CSE system's full**
 14 **commercial operation;**

15 **and the total amount of the bond or security posted under this**
 16 **subdivision shall be adjusted as necessary after each**
 17 **reevaluation.**

18 **(b) For purposes of this section, the estimated cost of**
 19 **decommissioning a CSE system, as calculated by a licensed or**
 20 **registered professional engineer (or by another person with**
 21 **suitable experience in the decommissioning of CSE systems, as**
 22 **agreed upon by the project owner and the permit authority), shall**
 23 **be the net of any estimated salvage value attributable to the CSE**
 24 **system at the time of decommissioning, unless the unit and the**
 25 **project owner agree to include any such value in the estimated cost.**

26 **(c) A project owner shall provide to the permit authority**
 27 **written notice of the project owner's intent to decommission a CSE**
 28 **system not later than sixty (60) days before the discontinuation of**
 29 **commercial operation by the CSE system. Except as provided in**
 30 **subsection (e), after the discontinuation of commercial operation**
 31 **by the CSE system, and as part of the decommissioning process:**

32 **(1) all structures, foundations, roads, gravel areas, and cables**
 33 **associated with the project shall be removed to a depth of at**
 34 **least thirty-six (36) inches below grade; and**

35 **(2) the ground shall be restored to a condition reasonably**
 36 **similar to its condition before the start of construction**
 37 **activities in connection with the CSE system project.**

38 **(d) Except as provided in subsection (e), if the project owner**
 39 **fails to remove all CSE system project assets not later than one (1)**
 40 **year after the proposed date of final decommissioning, as set forth**
 41 **in the notice to the permit authority under subsection (c), the**
 42 **permit authority may engage qualified contractors to:**



- 1 (1) enter the project site;
- 2 (2) remove the CSE system project assets;
- 3 (3) sell any assets removed; and
- 4 (4) remediate the site;
- 5 and may initiate proceedings to recover any costs incurred.
- 6 (e) Project assets may remain in place after decommissioning is
- 7 complete if:
- 8 (1) the location and condition of the assets are in conformance
- 9 with local regulations at the time of decommissioning; and
- 10 (2) the written consent of the landowner is obtained.
- 11 Sec. 18. (a) If a CSE system installed in a unit does not generate
- 12 electricity for eighteen (18) consecutive months:
- 13 (1) the CSE system is considered abandoned as of the date
- 14 that is five hundred forty (540) days after the date on which
- 15 the CSE system last generated electricity; and
- 16 (2) all CSE system project assets shall be removed in
- 17 accordance with section 17(c) of this chapter not later than
- 18 one (1) year after the date of abandonment specified in
- 19 subdivision (1).
- 20 (b) In the case of abandonment, as described in subsection (a),
- 21 if the project owner fails to remove the CSE system project assets
- 22 not later than one (1) year after the date of abandonment, as
- 23 required by subsection (a)(2), the permit authority may engage
- 24 qualified contractors to:
- 25 (1) enter the project site;
- 26 (2) remove the CSE system project assets;
- 27 (3) sell any assets removed; and
- 28 (4) remediate the site;
- 29 and may initiate proceedings to recover any costs incurred.
- 30 Sec. 19. (a) As used in this section, "force majeure event"
- 31 includes the following:
- 32 (1) Fire, flood, tornado, or other natural disasters or acts of
- 33 God.
- 34 (2) War, civil strife, a terrorist attack, or other similar acts of
- 35 violence.
- 36 (3) Other unforeseen events or events over which a project
- 37 owner has no control.
- 38 (b) If a force majeure event results in a CSE system not
- 39 generating electricity, the project owner shall:
- 40 (1) as soon as practicable after the occurrence of the force
- 41 majeure event, provide notice to the permit authority of the
- 42 event and of the resulting cessation of generating operations;



1 **and**
2 **(2) demonstrate to the permit authority that the CSE system**
3 **will be substantially operational and generating electricity not**
4 **later than twelve (12) months after the occurrence of the force**
5 **majeure event.**
6 **(c) If the CSE system does not become substantially operational**
7 **and resume generating electricity within the time set forth in**
8 **subdivision (2):**
9 **(1) the CSE system is considered abandoned as of the date**
10 **that is three hundred sixty-five (365) days after the date on**
11 **which the CSE system last generated electricity; and**
12 **(2) all CSE system project assets shall be removed in**
13 **accordance with section 17(c) of this chapter not later than**
14 **one (1) year after the date of abandonment specified in**
15 **subdivision (1).**
16 **(d) In the case of presumed abandonment, as described in**
17 **subsection (c), if the project owner fails to remove the CSE system**
18 **project assets not later than one (1) year after the date of**
19 **abandonment, as required by subsection (c)(2), the permit**
20 **authority may engage qualified contractors to:**
21 **(1) enter the project site;**
22 **(2) remove the CSE system project assets;**
23 **(3) sell any assets removed; and**
24 **(4) remediate the site;**
25 **and may initiate proceedings to recover any costs incurred.**
26 SECTION 3. IC 36-1-3-8, AS AMENDED BY P.L.19-2019,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does
29 not have the following:
30 (1) The power to condition or limit its civil liability, except as
31 expressly granted by statute.
32 (2) The power to prescribe the law governing civil actions
33 between private persons.
34 (3) The power to impose duties on another political subdivision,
35 except as expressly granted by statute.
36 (4) The power to impose a tax, except as expressly granted by
37 statute.
38 (5) The power to impose a license fee greater than that reasonably
39 related to the administrative cost of exercising a regulatory power.
40 (6) The power to impose a service charge or user fee greater than
41 that reasonably related to reasonable and just rates and charges
42 for services.



- 1 (7) The power to regulate conduct that is regulated by a state
- 2 agency, except as expressly granted by statute.
- 3 (8) The power to prescribe a penalty for conduct constituting a
- 4 crime or infraction under statute.
- 5 (9) The power to prescribe a penalty of imprisonment for an
- 6 ordinance violation.
- 7 (10) The power to prescribe a penalty of a fine as follows:
- 8 (A) More than ten thousand dollars (\$10,000) for the violation
- 9 of an ordinance or a regulation concerning air emissions
- 10 adopted by a county that has received approval to establish an
- 11 air permit program under IC 13-17-12-6.
- 12 (B) For a violation of any other ordinance:
- 13 (i) more than two thousand five hundred dollars (\$2,500) for
- 14 a first violation of the ordinance; and
- 15 (ii) except as provided in subsection (c), more than seven
- 16 thousand five hundred dollars (\$7,500) for a second or
- 17 subsequent violation of the ordinance.
- 18 (11) The power to invest money, except as expressly granted by
- 19 statute.
- 20 (12) The power to order or conduct an election, except as
- 21 expressly granted by statute.
- 22 (13) The power to adopt or enforce an ordinance described in
- 23 section 8.5 of this chapter.
- 24 (14) The power to take any action prohibited by section 8.6 of this
- 25 chapter.
- 26 **(15) The power to directly or indirectly restrict, or impose**
- 27 **conditions or limitations on, the construction, installation,**
- 28 **siting, modification, operation, or decommissioning of one (1)**
- 29 **or more wind power devices in the unit, except as allowed**
- 30 **under section 8.7 of this chapter.**
- 31 **(16) The power to directly or indirectly restrict, or impose**
- 32 **conditions or limitations on, the construction, installation,**
- 33 **siting, modification, operation, or decommissioning of one (1)**
- 34 **or more commercial solar energy systems in the unit, except**
- 35 **as allowed under section 8.8 of this chapter.**
- 36 ~~(17)~~ (17) The power to dissolve a political subdivision, except:
- 37 (A) as expressly granted by statute; or
- 38 (B) if IC 36-1-8-17.7 applies to the political subdivision, in
- 39 accordance with the procedure set forth in IC 36-1-8-17.7.
- 40 ~~(18)~~ (18) After June 30, 2019, the power to enact an ordinance
- 41 requiring a solid waste hauler or a person who operates a vehicle
- 42 in which recyclable material is transported for recycling to collect



1 fees authorized by IC 13-21 and remit the fees to:

2 (A) a unit; or

3 (B) the board of a solid waste management district established
4 under IC 13-21.

5 (b) A township does not have the following, except as expressly
6 granted by statute:

7 (1) The power to require a license or impose a license fee.

8 (2) The power to impose a service charge or user fee.

9 (3) The power to prescribe a penalty.

10 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
11 ordinance that regulates traffic or parking.

12 SECTION 4. IC 36-1-3-8.7 IS ADDED TO THE INDIANA CODE
13 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
14 **UPON PASSAGE]: Sec. 8.7. (a) Subject to a unit's planning and**
15 **zoning powers under IC 36-7, this section does not apply to a**
16 **property owner who seeks to install a wind power device on the**
17 **property owner's premises for the purpose of generating electricity**
18 **to meet or offset all or part of the need for electricity on the**
19 **premises, whether through distributed generation, participation in**
20 **a net metering or feed-in tariff program offered by an electricity**
21 **supplier (as defined in IC 8-1-40-4), or otherwise.**

22 (b) As used in this section, "permit authority", with respect to
23 a unit, has the meaning set forth in IC 8-1-41-4.

24 (c) As used in this section, "unit" has the meaning set forth in
25 IC 8-1-41-6.

26 (d) As used in this section, "wind power device" means a device,
27 including a windmill or a wind turbine, that is designed to use the
28 kinetic energy of moving air to provide mechanical energy or to
29 produce electricity.

30 (e) As used in this section, "wind power regulation" refers to
31 any ordinance or regulation, including any:

32 (1) zoning or land use ordinance or regulation; or

33 (2) general or specific planning ordinance or regulation;

34 that is adopted by a unit and that concerns the construction,
35 installation, siting, modification, operation, or decommissioning of
36 wind power devices in the unit.

37 (f) After June 30, 2021, a permit authority may not, directly or
38 indirectly, restrict, or impose conditions or limitations on, the
39 construction, installation, siting, modification, operation, or
40 decommissioning of one (1) or more wind power devices in the unit
41 unless:

42 (1) the unit has first adopted a wind power regulation;



1 (2) any procedures set forth in the wind power regulation with
 2 respect to the permitting or approval process for the siting or
 3 installation of wind power devices in the unit comply with
 4 IC 36-7-5.3; and

5 (3) any standards included in the wind power regulation are
 6 not more restrictive, directly or indirectly, than the default
 7 standards set forth in IC 8-1-41.

8 (g) Subject to IC 36-7-4-1109, a wind power regulation that:

9 (1) is in effect in a unit on or after July 1, 2021; and

10 (2) sets forth or includes:

11 (A) procedures with respect to the permitting or approval
 12 process for the siting or installation of wind power devices
 13 in the unit that do not comply with IC 36-7-5.3;

14 (B) standards that are more restrictive, directly or
 15 indirectly, than the default standards set forth in
 16 IC 8-1-41; or

17 (C) procedures and standards described in both clauses (A)
 18 and (B);

19 shall be amended by the legislative body of the unit so that the
 20 wind power regulation complies with the requirements set forth in
 21 subsection (f)(2) and (f)(3). Until such time as the legislative body
 22 of the unit amends the wind power regulation as required by this
 23 subsection, the procedures set forth in IC 36-7-5.3 or the default
 24 standards set forth in IC 8-1-41, as applicable, apply to the
 25 construction, installation, siting, modification, operation, or
 26 decommissioning of any wind power device in the unit after June
 27 30, 2021. However, until such time as the legislative body of the
 28 unit amends the wind power regulation as required by this
 29 subsection, the unit may continue to enforce compliance with any
 30 part of the unit's wind power regulation that complies with, or is
 31 otherwise consistent with, the requirements set forth in subsection
 32 (f)(2) and (f)(3).

33 (h) After June 30, 2021, a unit may not amend:

34 (1) a wind power regulation; or

35 (2) any other regulation of the unit, regardless of the subject
 36 matter of the regulation;

37 to address any matter concerning the construction, installation,
 38 siting, modification, operation, or decommissioning of wind power
 39 devices in the unit unless the wind power regulation or other
 40 regulation, as amended, meets the requirements set forth in
 41 subsection (f), regardless of when the wind power regulation or
 42 other regulation was originally adopted.



1 SECTION 5. IC 36-1-3-8.8 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: **Sec. 8.8. (a) Subject to a unit's planning and
 4 zoning powers under IC 36-7, this section does not apply to a
 5 property owner who seeks to install a solar energy device (as
 6 defined in IC 32-23-4-3) on the property owner's premises for the
 7 purpose of generating electricity to meet or offset all or part of the
 8 need for electricity on the premises, whether through distributed
 9 generation, participation in a net metering or feed-in tariff
 10 program offered by an electricity supplier (as defined in
 11 IC 8-1-40-4), or otherwise.**

12 **(b) As used in this section, "commercial solar energy system",
 13 or "CSE system", means a system that:**

14 **(1) has a nameplate capacity of at least ten (10) megawatts;
 15 and**

16 **(2) captures and converts solar energy into electricity:**

17 **(A) for the purpose of selling the electricity at wholesale;
 18 and**

19 **(B) for use in locations other than where it is generated.**

20 **The term includes collection and feeder lines, substations, ancillary
 21 buildings, solar monitoring stations, and accessory equipment or
 22 structures.**

23 **(c) As used in this section, "commercial solar regulation" refers
 24 to any ordinance or regulation, including any:**

25 **(1) zoning or land use ordinance or regulation; or**

26 **(2) general or specific planning ordinance or regulation;**

27 **that is adopted by a unit and that concerns the construction,
 28 installation, siting, modification, operation, or decommissioning of
 29 CSE systems in the unit.**

30 **(d) As used in this section, "permit authority", with respect to
 31 a unit, has the meaning set forth in IC 8-1-42-6.**

32 **(e) As used in this section, "unit" has the meaning set forth in
 33 IC 8-1-42-8.**

34 **(f) After June 30, 2021, a permit authority may not, directly or
 35 indirectly, restrict, or impose conditions or limitations on, the
 36 construction, installation, siting, modification, operation, or
 37 decommissioning of one (1) or more CSE systems in the unit
 38 unless:**

39 **(1) the unit has first adopted a commercial solar regulation;**

40 **(2) any procedures set forth in the commercial solar
 41 regulation with respect to the permitting or approval process
 42 for the siting or installation of CSE systems in the unit comply**



1 with IC 36-7-5.4; and

2 (3) any standards included in the commercial solar regulation
3 are not more restrictive, directly or indirectly, than the
4 default standards set forth in IC 8-1-42.

5 (g) Subject to IC 36-7-4-1109, a commercial solar regulation
6 that:

7 (1) is in effect in a unit on or after July 1, 2021; and

8 (2) sets forth or includes:

9 (A) procedures with respect to the permitting or approval
10 process for the siting or installation of CSE systems in the
11 unit that do not comply with IC 36-7-5.4;

12 (B) standards that are more restrictive, directly or
13 indirectly, than the default standards set forth in
14 IC 8-1-42; or

15 (C) procedures and standards described in both clauses (A)
16 and (B);

17 shall be amended by the legislative body of the unit so that the
18 commercial solar regulation complies with the requirements set
19 forth in subsection (f)(2) and (f)(3). Until such time as the
20 legislative body of the unit amends the commercial solar regulation
21 as required by this subsection, the procedures set forth in
22 IC 36-7-5.4 or the default standards set forth in IC 8-1-42, as
23 applicable, apply to the construction, installation, siting,
24 modification, operation, or decommissioning of any CSE system in
25 the unit after June 30, 2021. However, until such time as the
26 legislative body of the unit amends the commercial solar regulation
27 as required by this subsection, the unit may continue to enforce
28 compliance with any part of the unit's commercial solar regulation
29 that complies with, or is otherwise consistent with, the
30 requirements set forth in subsection (f)(2) and (f)(3).

31 (h) After June 30, 2021, a unit may not amend:

32 (1) a commercial solar regulation; or

33 (2) any other regulation of the unit, regardless of the subject
34 matter of the regulation;

35 to address any matter concerning the construction, installation,
36 siting, modification, operation, or decommissioning of CSE systems
37 in the unit unless the commercial solar regulation or other
38 regulation, as amended, meets the requirements set forth in
39 subsection (f), regardless of when the commercial solar regulation
40 or other regulation was originally adopted.

41 SECTION 6. IC 36-7-5.3 IS ADDED TO THE INDIANA CODE
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2021]:

Chapter 5.3. Siting of Wind Power Devices in a Unit

Sec. 1. (a) This chapter applies to the following:

(1) The exercising by any unit of zoning, land use, planning, or permitting authority as authorized by this article, or by any other law, with respect to the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices within the unit after June 30, 2021.

(2) The consideration by any unit, whether under a regulation of the unit or otherwise, of a proposal for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices in the unit after June 30, 2021.

(b) This chapter applies to a situation described in subsection (a) in a unit that:

(1) has not adopted a wind power regulation; or

(2) has:

(A) adopted a wind power regulation that sets forth procedures with respect to the permitting or approval process for the siting or installation of wind power devices in the unit that does not comply with this chapter; and

(B) failed to amend the wind power regulation as required by IC 36-1-3-8.7(g).

(c) Subject to a unit's planning and zoning powers under this article, this chapter does not apply to a property owner who seeks to install a wind power device on the property owner's premises for the purpose of generating electricity to meet or offset all or part of the need for electricity on the premises, whether through distributed generation, participation in a net metering or feed-in tariff program offered by an electricity supplier (as defined in IC 8-1-40-4), or otherwise.

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 3. (a) As used in this chapter, "permit authority" means:

(1) a unit; or

(2) a board, a commission, or any other governing body of a unit;

that makes legislative or administrative decisions concerning the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit.

(b) The term does not include:

(1) the state or any of its agencies, departments, boards,



1 commissions, authorities, or instrumentalities; or
 2 (2) a court or other judicial body that reviews decisions or
 3 rulings made by a permit authority.

4 Sec. 4. (a) As used in this chapter, "project owner" means a
 5 person that:

6 (1) will own one (1) or more wind power devices proposed to
 7 be located in a unit; or

8 (2) owns one (1) or more wind power devices located in a unit.

9 (b) The term includes an agent or a representative of a person
 10 described in subsection (a).

11 Sec. 5. (a) As used in this chapter, "unit" refers to:

12 (1) a county, if a project owner, as part of a single wind power
 13 project or development, seeks to locate one (1) or more wind
 14 power devices:

15 (A) entirely within unincorporated areas of the county;

16 (B) within both unincorporated areas of the county and
 17 one (1) or more municipalities within the county; or

18 (C) entirely within two (2) or more municipalities within
 19 the county; or

20 (2) a municipality, if:

21 (A) a project owner, as part of a single wind power project
 22 or development, seeks to locate one (1) or more wind
 23 power devices entirely within the boundaries of the
 24 municipality; and

25 (B) subdivision (1)(B) or (1)(C) does not apply.

26 (b) The term refers to:

27 (1) each county described in subsection (a)(1) in which a
 28 project owner seeks to locate one (1) or more wind power
 29 devices, if the project owner seeks to locate wind power
 30 devices in more than one (1) county as part of a single wind
 31 power project or development; and

32 (2) each municipality described in subsection (a)(2) in which
 33 a project owner seeks to locate one (1) or more wind power
 34 devices, if the project owner seeks to locate wind power
 35 devices in two (2) more municipalities, each of which is
 36 located in a different county.

37 Sec. 6. As used in this chapter, "wind power device" means a
 38 device, including a windmill or a wind turbine, that is designed to
 39 use the kinetic energy of moving air to provide mechanical energy
 40 or to produce electricity.

41 Sec. 7. As used in this chapter, "wind power regulation" refers
 42 to any ordinance or regulation, including any:



1 (1) zoning or land use ordinance or regulation; or
 2 (2) general or specific planning ordinance or regulation;
 3 that is adopted by a unit and that concerns the construction,
 4 installation, siting, modification, operation, or decommissioning of
 5 wind power devices in the unit.

6 Sec. 8. (a) A wind power device may not be installed or located
 7 in a unit without the approval of the permit authority for the unit.

8 (b) The procedures set forth in this chapter apply with respect
 9 to any proposal by a project owner to install or locate one (1) or
 10 more wind power devices in a unit described in section 1(b) of this
 11 chapter. The permit authority for a unit described in section
 12 1(b)(1) of this chapter may not, directly or indirectly, restrict, or
 13 impose conditions or limitations on, the construction, installation,
 14 siting, modification, operation, or decommissioning of one (1) or
 15 more wind power devices in the unit unless the unit first adopts a
 16 wind power regulation, as required by IC 36-1-3-8.7(f)(1).
 17 However, in no case may any unit use procedures, whether by
 18 regulation or otherwise, that:

19 (1) govern the permitting or approval process for the siting or
 20 installation of wind power devices in the unit; and
 21 (2) do not comply with this chapter;
 22 as provided in IC 36-1-3-8.7(f)(2).

23 (c) Except as provided in:

- 24 (1) subsection (b);
 25 (2) IC 36-1-3-8.7; and
 26 (3) IC 8-1-41;

27 this chapter does not otherwise affect a unit's planning and zoning
 28 powers under this article with respect to the installation or siting
 29 of one (1) or more wind power devices in the unit.

30 (d) A permit authority for a unit described in section 1(b) of this
 31 chapter is responsible for enforcing compliance with:

- 32 (1) this chapter;
 33 (2) the default standards set forth in IC 8-1-41, if applicable
 34 under IC 8-1-41-1(a); and
 35 (3) in the case of a unit described in section 1(b)(2) of this
 36 chapter, any part of the unit's wind power regulation, to the
 37 extent such part:
 38 (A) is not inconsistent with this chapter; and
 39 (B) does not include standards that are more restrictive,
 40 directly or indirectly, than the default standards set forth
 41 in IC 8-1-41.

42 Sec. 9. (a) A project owner that seeks to install or locate one (1)



1 or more wind power devices in a unit after June 30, 2021, shall file
 2 with the permit authority for the unit an application in the form
 3 and manner prescribed by the permit authority. An application
 4 filed under this section must include the following, provided with
 5 as much detail or specificity as the permit authority may
 6 reasonably require, and so far as ascertainable at the time of the
 7 application:

8 (1) A physical and technical description of all wind power
 9 devices proposed to be installed or located in the unit.

10 (2) A physical and technical description of all sites in the unit
 11 on which one (1) or more wind power devices are sought to be
 12 installed or located, including maps showing the location of
 13 the sites.

14 (3) The project owner's anticipated timeline and process for
 15 constructing and installing all wind power devices proposed
 16 in the application.

17 (4) Information regarding the sound:

18 (A) expressed as an hourly average sound level or by any
 19 other measure reasonably required by the permit
 20 authority; and

21 (B) as modeled at the outer wall of an affected dwelling;
 22 anticipated to be attributable to the operation of each wind
 23 power device included in the application.

24 (5) Information regarding the amount of anticipated shadow
 25 flicker, expressed as hours per year under planned operating
 26 conditions or by any other measure reasonably required by
 27 the permit authority, expected to be attributable to the
 28 operation of each wind power device included in the
 29 application.

30 (6) Information regarding the status of all permits required
 31 by the Federal Aviation Administration with respect to each
 32 wind power device included in the application.

33 (7) Information regarding the planned use and modification
 34 of any highways, streets, and roads in the unit during the
 35 construction and installation of all wind power devices
 36 included in the application, including a process for:

37 (A) assessing road damage caused by activities involved in
 38 such construction and installation; and

39 (B) conducting road repairs at the project owner's expense.

40 (8) A copy of all emergency response plans applicable to the
 41 construction, installation, siting, modification, operation, and
 42 decommissioning of all wind power devices included in the



1 application, including a process for sharing the plans with,
2 and providing safety training to, all potential first responders.

3 (9) A decommissioning and site restoration plan for each wind
4 power device included in the application, including both a
5 timeline for decommissioning and a timeline for posting any
6 required:

7 (A) surety bond;

8 (B) parent company guarantee;

9 (C) irrevocable letter of credit; or

10 (D) other equivalent means of security or financial
11 assurance acceptable to the permit authority;
12 in an amount reflecting the estimated cost of decommissioning
13 the wind power device.

14 (10) A copy of all representative notices to:

15 (A) the permit authority;

16 (B) residents of the unit;

17 (C) political subdivisions in which, or adjacent to where,
18 the project will be located; and

19 (D) owners of property on which, or adjacent to where, the
20 project will be located;

21 to be issued by the project owner with respect to the
22 construction, installation, siting, modification, operation, and
23 decommissioning of all wind power devices included in the
24 application, including any preconstruction and
25 postconstruction activities.

26 (11) A description of a dispute resolution process that:

27 (A) will be used by the project owner in resolving
28 complaints under section 12 of this chapter; and

29 (B) complies with the requirements set forth in section
30 12(b) of this chapter.

31 (12) Any other information reasonably necessary to
32 understand the construction, installation, siting, modification,
33 operation, and decommissioning of all wind power devices
34 included in the application.

35 (13) A statement, signed by an officer or another person
36 authorized to bind the project owner, that affirms the
37 accuracy of the information provided in the application.

38 (b) A project owner that submits an application under this
39 section shall notify the permit authority in writing when all
40 required documents and information described in subsection (a)
41 have been submitted. An application under this section is
42 considered filed as of the date of the project owner's notice under



1 **this subsection.**

2 **(c) Not later than thirty (30) days after the date of a project**
3 **owner's notice under subsection (b), the permit authority shall**
4 **determine whether the project owner's application is complete and**
5 **shall notify the project owner in writing of the determination.**
6 **Subject to subsection (f), if the permit authority determines that**
7 **the application is complete, the permit authority shall proceed to**
8 **make a determination as to whether to grant or deny the**
9 **application under section 10 of this chapter. Subject to subsections**
10 **(d) and (e), if the permit authority determines that the application**
11 **is incomplete, the permit authority shall state the reasons for the**
12 **determination in the permit authority's notice to the project owner**
13 **under this subsection. A permit authority shall not make a**
14 **determination of incompleteness based on grounds that are**
15 **arbitrary, capricious, an abuse of discretion, or not in accordance**
16 **with law. If the permit authority does not make a determination as**
17 **to the completeness of the application within the time prescribed**
18 **by this subsection, the application is considered complete.**

19 **(d) A project owner may file supplemental information to an**
20 **application that a permit authority has determined to be**
21 **incomplete under subsection (c). A project owner that intends to**
22 **file supplemental information under this subsection shall notify the**
23 **permit authority of the project owner's intention not later than**
24 **fourteen (14) days after the date of the permit authority's notice of**
25 **incompleteness under subsection (c). The project owner's notice of**
26 **intention to file supplemental information under this subsection**
27 **stays the start of the period set forth in section 10 of this chapter**
28 **in which the permit authority must approve or deny the**
29 **application until such time as the application is finally determined**
30 **to be or is considered complete under this section. The project**
31 **owner shall provide any reasonably requested additional**
32 **information identified in the permit authority's notice under**
33 **subsection (c), to the extent ascertainable. A permit authority may**
34 **not impose a limit on the number of times a project owner may**
35 **supplement an application under this subsection.**

36 **(e) A project owner that submits a supplemented application**
37 **under subsection (d) shall notify the permit authority in writing**
38 **when all information and documents provided in connection with**
39 **the supplemented application have been submitted. A thirty (30)**
40 **day period for a completeness determination by the permit**
41 **authority with respect to the supplemented application begins as of**
42 **the date of the project owner's notice under this subsection, in**



1 accordance with the procedures set forth in subsection (c) for an
 2 initial application. If the permit authority does not make a
 3 determination as to the completeness of the supplemented
 4 application within the time prescribed by this subsection, the
 5 supplemented application is considered complete.

6 (f) After:

7 (1) an initial application is determined to be or is considered
 8 complete under subsection (c); or

9 (2) a supplemented application is determined to be or is
 10 considered complete under subsection (e);

11 a permit authority may nevertheless request additional
 12 information reasonably necessary to understand the construction,
 13 installation, siting, modification, operation, and decommissioning
 14 of any of the wind power devices included in a project owner's
 15 initial or supplemented application. A project owner shall provide
 16 additional information in response to all reasonable inquiries made
 17 by the permit authority, and shall respond in a timely, complete,
 18 and accurate manner.

19 Sec. 10. (a) Subject to subsection (b) and section 11 of this
 20 chapter, a permit authority shall issue a written decision to grant
 21 or deny an application or a supplemented application under this
 22 chapter not later than ninety (90) days after the application or
 23 supplemented application is finally determined to be or is
 24 considered complete. The permit authority's written decision must
 25 include all findings of fact upon which the decision is based. The
 26 permit authority shall provide a copy of the permit authority's
 27 decision to:

28 (1) the project owner; and

29 (2) the commission.

30 (b) A permit authority may not:

31 (1) unreasonably deny an application or a supplemented
 32 application under this chapter;

33 (2) condition approval of an application or a supplemented
 34 application upon a project owner's agreement to fulfill
 35 unreasonable requirements, including:

36 (A) property value guarantees;

37 (B) onerous road upgrades; or

38 (C) other requirements that are intended to prevent or
 39 impede (or would have the effect of preventing or
 40 impeding) the construction, installation, siting,
 41 modification, operation, or decommissioning of wind
 42 power devices in the unit; or



1 (3) after approving an application or a supplemented
 2 application, impose unreasonable requirements upon a
 3 project owner, including any of the requirements set forth in
 4 subdivision (2), at any point during the project owner's
 5 construction, installation, siting, modification, operation, or
 6 decommissioning of wind power devices in the unit.

7 Sec. 11. (a) Not later than thirty (30) days after the date of a
 8 permit authority's decision under section 10 of this chapter to
 9 approve or deny an application or a supplemented application:

10 (1) the project owner;

11 (2) an interested party described in section 9(a)(10)(C)
 12 through 9(a)(10)(D) of this chapter; or

13 (3) at least twenty-five (25) residents of the unit represented
 14 by an attorney licensed to practice law in Indiana;

15 may file with the commission a petition requesting a review of the
 16 permit authority's decision.

17 (b) Upon receiving a petition under subsection (a), the
 18 commission shall, in writing:

19 (1) provide notice of the filing of a petition to:

20 (A) the permit authority; and

21 (B) the project owner, if the project owner is not the
 22 petitioner; and

23 (2) request from:

24 (A) the permit authority;

25 (B) the petitioner;

26 (C) the project owner; and

27 (D) an interested party described in section 9(a)(10)(C)
 28 through 9(a)(10)(D) of this chapter that is a party to the
 29 petition;

30 any information required by the commission to make a
 31 determination on the petition.

32 Any information requested by the commission under subdivision
 33 (2) shall be submitted to the commission not later than thirty (30)
 34 days after the date of the commission's written request.

35 (c) Not later than one hundred fifty (150) days after receiving all
 36 information requested under subsection (b)(2), the commission
 37 shall:

38 (1) after notice and an opportunity for hearing; and

39 (2) consistent with the policy set forth in IC 8-1-2-0.5;

40 issue an order with respect to the permit authority's decision under
 41 section 10 of this chapter.

42 (d) The commission's order under subsection (c) must include



- 1 the commission's findings as to:
- 2 (1) the reasonableness of the permit authority's decision
- 3 under section 10 of this chapter; and
- 4 (2) the parties' compliance with:
- 5 (A) this chapter;
- 6 (B) the default standards set forth in IC 8-1-41, if
- 7 applicable under IC 8-1-41-1(a); and
- 8 (C) in the case of a unit described in section 1(b)(2) of this
- 9 chapter, any part of the unit's wind power regulation, to
- 10 the extent such part:
- 11 (i) is not inconsistent with this chapter; and
- 12 (ii) does not include standards that are more restrictive,
- 13 directly or indirectly, than the default standards set
- 14 forth in IC 8-1-41.
- 15 (e) In the commission's order under subsection (c), the
- 16 commission may affirm, vacate, or modify the permit authority's
- 17 decision as the public convenience and necessity may require.
- 18 (f) In the commission's order under subsection (c), the
- 19 commission shall not consider:
- 20 (1) the reasonableness of the default standards set forth in
- 21 IC 8-1-41; or
- 22 (2) relief regarding:
- 23 (A) asserted effects on health;
- 24 (B) asserted effects on aesthetics;
- 25 (C) asserted effects on property values; or
- 26 (D) any other requested relief distinct from the factors set
- 27 forth in subsection (d).
- 28 (g) The order of the commission under subsection (c) is
- 29 considered a final order, subject to appeal under IC 8-1-3.
- 30 Sec. 12. (a) At any time after a permit authority issues a decision
- 31 under section 10 of this chapter with respect to the construction,
- 32 installation, siting, modification, operation, or decommissioning of
- 33 one (1) or more wind power devices in the unit, an interested party
- 34 described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter
- 35 may file a complaint with the project owner alleging that the
- 36 project owner has failed to comply with:
- 37 (1) this chapter;
- 38 (2) the default standards set forth in IC 8-1-41, if applicable
- 39 under IC 8-1-41-1(a); or
- 40 (3) in a unit described in section 1(b)(2) of this chapter, any
- 41 part of the unit's wind power regulation, to the extent such
- 42 part:



- 1 **(A) is not inconsistent with this chapter; and**
 2 **(B) does not include standards that are more restrictive,**
 3 **directly or indirectly, than the default standards set forth**
 4 **in IC 8-1-41.**
- 5 **(b) An interested party that files a complaint under this section**
 6 **shall do so in accordance with the project owner's dispute**
 7 **resolution process, as set forth in the project owner's application**
 8 **under section 9(a)(11) of this chapter. The following apply with**
 9 **respect to a complaint filed under this section:**
- 10 **(1) The project owner shall:**
- 11 **(A) make a good faith effort to resolve the complaint; and**
 12 **(B) conduct any investigation required to resolve the**
 13 **complaint at the project owner's expense.**
- 14 **(2) Not later than thirty (30) days after receiving the**
 15 **complaint, the project owner shall provide an initial response**
 16 **to the complainant.**
- 17 **(3) The project owner shall:**
- 18 **(A) make a good faith effort to resolve the complaint not**
 19 **later than forty-five (45) days after receiving the**
 20 **complaint; and**
 21 **(B) notify the permit authority if the complaint is not**
 22 **resolved within the forty-five (45) day period set forth in**
 23 **clause (A).**
- 24 **(c) If a complaint under this section:**
- 25 **(1) is filed by a party described in section 11(a)(2) or 11(a)(3)**
 26 **of this chapter; and**
 27 **(2) is not resolved within the forty-five (45) day period set**
 28 **forth in subsection (b)(3)(A);**
- 29 **the complainant may file with the commission a petition requesting**
 30 **a review of the complaint. A petition for review under this**
 31 **subsection must be filed not later than sixty (60) days after the date**
 32 **of the filing of the complaint with the project owner under this**
 33 **section.**
- 34 **(d) Upon receiving a petition under subsection (c), the**
 35 **commission shall, in writing:**
- 36 **(1) notify the project owner of the filing of petition; and**
 37 **(2) request from:**
- 38 **(A) the project owner;**
 39 **(B) the petitioner; and**
 40 **(C) the permit authority;**
 41 **any information required by the commission to make a**
 42 **determination on the petition.**



1 Any information requested by the commission under subdivision
 2 (2) shall be submitted to the commission not later than thirty (30)
 3 days after the date of the commission's written request.

4 (e) Not later than ninety (90) days after receiving all
 5 information requested under subsection (d)(2), the commission
 6 shall issue an order with respect to the complaint. The commission
 7 may issue an order under this subsection without a hearing. The
 8 commission's resolution of the complaint is limited to the scope of
 9 the complaint regarding the project owner's compliance with:

10 (1) this chapter;

11 (2) the default standards set forth in IC 8-1-41, if applicable
 12 under IC 8-1-41-1(a); or

13 (3) in the case of a unit described in section 1(b)(2) of this
 14 chapter, any part of the unit's wind power regulation, to the
 15 extent such part:

16 (A) is not inconsistent with this chapter; and

17 (B) does not include standards that are more restrictive,
 18 directly or indirectly, than the default standards set forth
 19 in IC 8-1-41;

20 as applicable.

21 (f) In the commission's order under subsection (e), the
 22 commission may order such relief as the public convenience and
 23 necessity may require.

24 (g) In the commission's order under subsection (e), the
 25 commission shall not consider:

26 (1) the reasonableness of the default standards set forth in
 27 IC 8-1-41; or

28 (2) relief regarding:

29 (A) asserted effects on health;

30 (B) asserted effects on aesthetics;

31 (C) asserted effects on property values; or

32 (D) any other requested relief distinct from the factors set
 33 forth in subsection (e).

34 (h) The commission's order under subsection (e) is considered
 35 a final order, subject to appeal under IC 8-1-3.

36 SECTION 7. IC 36-7-5.4 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]:

39 Chapter 5.4. Siting of Commercial Solar Energy Systems in a
 40 Unit

41 Sec. 1. (a) This chapter applies to the following:

42 (1) The exercising by any unit of zoning, land use, planning, or



1 permitting authority as authorized by this article, or by any
2 other law, with respect to the construction, installation, siting,
3 modification, operation, or decommissioning of one (1) or
4 more CSE systems within the unit after June 30, 2021.

5 (2) The consideration by any unit, whether under a regulation
6 of the unit or otherwise, of a proposal for the construction,
7 installation, siting, modification, operation, or
8 decommissioning of one (1) or more CSE systems in the unit
9 after June 30, 2021.

10 (b) This chapter applies to a situation described in subsection (a)
11 in a unit that:

12 (1) has not adopted a commercial solar regulation; or

13 (2) has:

14 (A) adopted a commercial solar regulation that sets forth
15 procedures with respect to the permitting or approval
16 process for the siting or installation of CSE systems in the
17 unit that does not comply with this chapter; and

18 (B) failed to amend the commercial solar regulation as
19 required by IC 36-1-3-8.8(g).

20 (c) Subject to a unit's planning and zoning powers under this
21 article, this chapter does not apply to a property owner who seeks
22 to install a solar energy device (as defined in IC 32-23-4-3) on the
23 property owner's premises for the purpose of generating electricity
24 to meet or offset all or part of the need for electricity on the
25 premises, whether through distributed generation, participation in
26 a net metering or feed-in tariff program offered by an electricity
27 supplier (as defined in IC 8-1-40-4), or otherwise.

28 Sec. 2. (a) As used in this chapter, "commercial solar energy
29 system", or "CSE system", means a system that:

30 (1) has a nameplate capacity of at least ten (10) megawatts;
31 and

32 (2) captures and converts solar energy into electricity:

33 (A) for the purpose of selling the electricity at wholesale;
34 and

35 (B) for use in locations other than where it is generated.

36 (b) The term includes collection and feeder lines, substations,
37 ancillary buildings, solar monitoring stations, and accessory
38 equipment or structures.

39 Sec. 3. As used in this chapter, "commercial solar regulation"
40 refers to any ordinance or regulation, including any:

41 (1) zoning or land use ordinance or regulation; or

42 (2) general or specific planning ordinance or regulation;



1 that is adopted by a unit and that concerns the construction,
 2 installation, siting, modification, operation, or decommissioning of
 3 CSE systems in the unit.

4 Sec. 4. As used in this chapter, "commission" refers to the
 5 Indiana utility regulatory commission created by IC 8-1-1-2.

6 Sec. 5. (a) As used in this chapter, "permit authority" means:

7 (1) a unit; or

8 (2) a board, a commission, or any other governing body of a
 9 unit;

10 that makes legislative or administrative decisions concerning the
 11 construction, installation, siting, modification, operation, or
 12 decommissioning of CSE systems in the unit.

13 (b) The term does not include:

14 (1) the state or any of its agencies, departments, boards,
 15 commissions, authorities, or instrumentalities; or

16 (2) a court or other judicial body that reviews decisions or
 17 rulings made by a permit authority.

18 Sec. 6. (a) As used in this chapter, "project owner" means a
 19 person that:

20 (1) will own one (1) or more CSE systems proposed to be
 21 located in a unit; or

22 (2) owns one (1) or more CSE systems located in a unit.

23 (b) The term includes an agent or a representative of a person
 24 described in subsection (a).

25 Sec. 7. (a) As used in this chapter, "unit" refers to:

26 (1) a county, if a project owner, as part of a single CSE system
 27 project or development, seeks to locate one (1) or more CSE
 28 systems:

29 (A) entirely within unincorporated areas of the county;

30 (B) within both unincorporated areas of the county and
 31 one (1) or more municipalities within the county; or

32 (C) entirely within two (2) or more municipalities within
 33 the county; or

34 (2) a municipality, if:

35 (A) a project owner, as part of a single CSE system project
 36 or development, seeks to locate one (1) or more CSE
 37 systems entirely within the boundaries of the municipality;
 38 and

39 (B) subdivision (1)(B) or (1)(C) does not apply.

40 (b) The term refers to:

41 (1) each county described in subsection (a)(1) in which a
 42 project owner seeks to locate one (1) or more CSE systems, if



1 the project owner seeks to locate CSE systems in more than
 2 one (1) county as part of a single CSE system project or
 3 development; and

4 (2) each municipality described in subsection (a)(2) in which
 5 a project owner seeks to locate one (1) or more CSE systems,
 6 if the project owner seeks to locate CSE systems in two (2)
 7 more municipalities, each of which is located in a different
 8 county.

9 **Sec. 8. (a) A CSE system may not be installed or located in a unit
 10 without the approval of the permit authority for the unit.**

11 (b) The procedures set forth in this chapter apply with respect
 12 to any proposal by a project owner to install or locate one (1) or
 13 more CSE systems in a unit described in section 1(b) of this
 14 chapter. The permit authority for a unit described in section
 15 1(b)(1) of this chapter may not, directly or indirectly, restrict, or
 16 impose conditions or limitations on, the construction, installation,
 17 siting, modification, operation, or decommissioning of one (1) or
 18 more CSE systems in the unit unless the unit first adopts a
 19 commercial solar regulation, as required by IC 36-1-3-8.8(f)(1).
 20 However, in no case may any unit use procedures, whether by
 21 regulation or otherwise, that:

22 (1) govern the permitting or approval process for the siting or
 23 installation CSE systems in the unit; and

24 (2) do not comply with this chapter;

25 as provided in IC 36-1-3-8.8(f)(2).

26 (c) Except as provided in:

27 (1) subsection (b);

28 (2) IC 36-1-3-8.8; and

29 (3) IC 8-1-42;

30 this chapter does not otherwise affect a unit's planning and zoning
 31 powers under this article with respect to the installation or siting
 32 of one (1) or more CSE systems in the unit.

33 (d) A permit authority for a unit described in section 1(b) of this
 34 chapter is responsible for enforcing compliance with:

35 (1) this chapter;

36 (2) the default standards set forth in IC 8-1-42, if applicable
 37 under IC 8-1-42-1(a); and

38 (3) in the case of a unit described in section 1(b)(2) of this
 39 chapter, any part of the unit's commercial solar regulation, to
 40 the extent such part:

41 (A) is not inconsistent with this chapter; and

42 (B) does not include standards that are more restrictive,



- 1 directly or indirectly, than the default standards set forth
2 in IC 8-1-42.
- 3 **Sec. 9. (a) A project owner that seeks to install or locate one (1)**
4 **or more CSE systems in a unit after June 30, 2021, shall file with**
5 **the permit authority for the unit an application in the form and**
6 **manner prescribed by the permit authority. An application filed**
7 **under this section must include the following, provided with as**
8 **much detail or specificity as the permit authority may reasonably**
9 **require, and so far as ascertainable at the time of the application:**
- 10 (1) A physical and technical description of all CSE systems
11 proposed to be installed or located in the unit.
- 12 (2) A physical and technical description of all sites in the unit
13 on which one (1) or more CSE systems are sought to be
14 installed or located, including maps showing the location of
15 the sites.
- 16 (3) The project owner's anticipated timeline and process for
17 constructing and installing all CSE systems proposed in the
18 application.
- 19 (4) Information regarding the sound:
- 20 (A) expressed as an hourly average sound level or by any
21 other measure reasonably required by the permit
22 authority; and
- 23 (B) as modeled at the outer wall of a dwelling located on an
24 adjacent nonparticipating property (as defined in
25 IC 8-1-42-5);
- 26 anticipated to be attributable to the operation of each CSE
27 system included in the application.
- 28 (5) To the extent applicable, information regarding the
29 planned use and modification of any highways, streets, and
30 roads in the unit during the construction and installation of all
31 CSE systems included in the application, including a process
32 for:
- 33 (A) assessing road damage caused by activities involved in
34 such construction and installation; and
- 35 (B) conducting road repairs at the project owner's expense.
- 36 (6) A copy of all emergency response plans applicable to the
37 construction, installation, siting, modification, operation, and
38 decommissioning of all CSE systems included in the
39 application, including a process for sharing the plans with,
40 and providing safety training to, all potential first responders.
- 41 (7) A decommissioning and site restoration plan for each CSE
42 system included in the application, including both a timeline



1 for decommissioning and a timeline for posting any required:

2 (A) surety bond;

3 (B) parent company guarantee;

4 (C) irrevocable letter of credit; or

5 (D) other equivalent means of security or financial
6 assurance acceptable to the permit authority;

7 in an amount reflecting the estimated cost of decommissioning
8 the CSE system.

9 (8) A copy of all representative notices to:

10 (A) the permit authority;

11 (B) residents of the unit;

12 (C) political subdivisions in which, or adjacent to where,
13 the project will be located; and

14 (D) owners of property on which, or adjacent to where, the
15 project will be located;

16 to be issued by the project owner with respect to the
17 construction, installation, siting, modification, operation, and
18 decommissioning of all CSE systems included in the
19 application, including any preconstruction and
20 postconstruction activities.

21 (9) A description of a dispute resolution process that:

22 (A) will be used by the project owner in resolving
23 complaints under section 12 of this chapter; and

24 (B) complies with the requirements set forth in section
25 12(b) of this chapter.

26 (10) Any other information reasonably necessary to
27 understand the construction, installation, siting, modification,
28 operation, and decommissioning of all CSE systems included
29 in the application.

30 (11) A statement, signed by an officer or another person
31 authorized to bind the project owner, that affirms the
32 accuracy of the information provided in the application.

33 (b) A project owner that submits an application under this
34 section shall notify the permit authority in writing when all
35 required documents and information described in subsection (a)
36 have been submitted. An application under this section is
37 considered filed as of the date of the project owner's notice under
38 this subsection.

39 (c) Not later than thirty (30) days after the date of a project
40 owner's notice under subsection (b), the permit authority shall
41 determine whether the project owner's application is complete and
42 shall notify the project owner in writing of the determination.



1 Subject to subsection (f), if the permit authority determines that
2 the application is complete, the permit authority shall proceed to
3 make a determination as to whether to grant or deny the
4 application under section 10 of this chapter. Subject to subsections
5 (d) and (e), if the permit authority determines that the application
6 is incomplete, the permit authority shall state the reasons for the
7 determination in the permit authority's notice to the project owner
8 under this subsection. A permit authority shall not make a
9 determination of incompleteness based on grounds that are
10 arbitrary, capricious, an abuse of discretion, or not in accordance
11 with law. If the permit authority does not make a determination as
12 to the completeness of the application within the time prescribed
13 by this subsection, the application is considered complete.

14 (d) A project owner may file supplemental information to an
15 application that a permit authority has determined to be
16 incomplete under subsection (c). A project owner that intends to
17 file supplemental information under this subsection shall notify the
18 permit authority of the project owner's intention not later than
19 fourteen (14) days after the date of the permit authority's notice of
20 incompleteness under subsection (c). The project owner's notice of
21 intention to file supplemental information under this subsection
22 stays the start of the period set forth in section 10 of this chapter
23 in which the permit authority must approve or deny the
24 application until such time as the application is finally determined
25 to be or is considered complete under this section. The project
26 owner shall provide any reasonably requested additional
27 information identified in the permit authority's notice under
28 subsection (c), to the extent ascertainable. A permit authority may
29 not impose a limit on the number of times a project owner may
30 supplement an application under this subsection.

31 (e) A project owner that submits a supplemented application
32 under subsection (d) shall notify the permit authority in writing
33 when all information and documents provided in connection with
34 the supplemented application have been submitted. A thirty (30)
35 day period for a completeness determination by the permit
36 authority with respect to the supplemented application begins as of
37 the date of the project owner's notice under this subsection, in
38 accordance with the procedures set forth in subsection (c) for an
39 initial application. If the permit authority does not make a
40 determination as to the completeness of the supplemented
41 application within the time prescribed by this subsection, the
42 supplemented application is considered complete.



1 (f) After:

2 (1) an initial application is determined to be or is considered
3 complete under subsection (c); or

4 (2) a supplemented application is determined to be or is
5 considered complete under subsection (e);

6 a permit authority may nevertheless request additional
7 information reasonably necessary to understand the construction,
8 installation, siting, modification, operation, and decommissioning
9 of any of the CSE systems included in a project owner's initial or
10 supplemented application. A project owner shall provide additional
11 information in response to all reasonable inquiries made by the
12 permit authority, and shall respond in a timely, complete, and
13 accurate manner.

14 Sec. 10. (a) Subject to subsection (b) and section 11 of this
15 chapter, a permit authority shall issue a written decision to grant
16 or deny an application or a supplemented application under this
17 chapter not later than ninety (90) days after the application or
18 supplemented application is finally determined to be or is
19 considered complete. The permit authority's written decision must
20 include all findings of fact upon which the decision is based. The
21 permit authority shall provide a copy of the permit authority's
22 decision to:

23 (1) the project owner; and

24 (2) the commission.

25 (b) A permit authority may not:

26 (1) unreasonably deny an application or a supplemented
27 application under this chapter;

28 (2) condition approval of an application or a supplemented
29 application upon a project owner's agreement to fulfill
30 unreasonable requirements, including:

31 (A) property value guarantees;

32 (B) onerous road upgrades; or

33 (C) other requirements that are intended to prevent or
34 impede (or would have the effect of preventing or
35 impeding) the construction, installation, siting,
36 modification, operation, or decommissioning of CSE
37 systems in the unit; or

38 (3) after approving an application or a supplemented
39 application, impose unreasonable requirements upon a
40 project owner, including any of the requirements set forth in
41 subdivision (2), at any point during the project owner's
42 construction, installation, siting, modification, operation, or



- 1 decommissioning of CSE systems in the unit.
- 2 **Sec. 11. (a) Not later than thirty (30) days after the date of a**
- 3 **permit authority's decision under section 10 of this chapter to**
- 4 **approve or deny an application or a supplemented application:**
- 5 **(1) the project owner;**
- 6 **(2) an interested party described in section 9(a)(8)(C) through**
- 7 **9(a)(8)(D) of this chapter; or**
- 8 **(3) at least twenty-five (25) residents of the unit represented**
- 9 **by an attorney licensed to practice law in Indiana;**
- 10 **may file with the commission a petition requesting a review of the**
- 11 **permit authority's decision.**
- 12 **(b) Upon receiving a petition under subsection (a), the**
- 13 **commission shall, in writing:**
- 14 **(1) provide notice of the filing of a petition to:**
- 15 **(A) the permit authority; and**
- 16 **(B) the project owner, if the project owner is not the**
- 17 **petitioner; and**
- 18 **(2) request from:**
- 19 **(A) the permit authority;**
- 20 **(B) the petitioner;**
- 21 **(C) the project owner; and**
- 22 **(D) an interested party described in section 9(a)(8)(C)**
- 23 **through 9(a)(8)(D) of this chapter that is a party to the**
- 24 **petition;**
- 25 **any information required by the commission to make a**
- 26 **determination on the petition.**
- 27 **Any information requested by the commission under subdivision**
- 28 **(2) shall be submitted to the commission not later than thirty (30)**
- 29 **days after the date of the commission's written request.**
- 30 **(c) Not later than one hundred fifty (150) days after receiving all**
- 31 **information requested under subsection (b)(2), the commission**
- 32 **shall:**
- 33 **(1) after notice and an opportunity for hearing; and**
- 34 **(2) consistent with the policy set forth in IC 8-1-2-0.5;**
- 35 **issue an order with respect to the permit authority's decision under**
- 36 **section 10 of this chapter.**
- 37 **(d) The commission's order under subsection (c) must include**
- 38 **the commission's findings as to:**
- 39 **(1) the reasonableness of the permit authority's decision**
- 40 **under section 10 of this chapter; and**
- 41 **(2) the parties' compliance with:**
- 42 **(A) this chapter;**



- 1 **(B) the default standards set forth in IC 8-1-42, if**
 2 **applicable under IC 8-1-42-1(a); and**
 3 **(C) in the case of a unit described in section 1(b)(2) of this**
 4 **chapter, any part of the unit's commercial solar regulation,**
 5 **to the extent such part:**
 6 **(i) is not inconsistent with this chapter; and**
 7 **(ii) does not include standards that are more restrictive,**
 8 **directly or indirectly, than the default standards set**
 9 **forth in IC 8-1-42.**
- 10 **(e) In the commission's order under subsection (c), the**
 11 **commission may affirm, vacate, or modify the permit authority's**
 12 **decision as the public convenience and necessity may require.**
- 13 **(f) In the commission's order under subsection (c), the**
 14 **commission shall not consider:**
- 15 **(1) the reasonableness of the default standards set forth in**
 16 **IC 8-1-42; or**
 17 **(2) relief regarding:**
 18 **(A) asserted effects on health;**
 19 **(B) asserted effects on aesthetics;**
 20 **(C) asserted effects on property values; or**
 21 **(D) any other requested relief distinct from the factors set**
 22 **forth in subsection (d).**
- 23 **(g) The order of the commission under subsection (c) is**
 24 **considered a final order, subject to appeal under IC 8-1-3.**
- 25 **Sec. 12. (a) At any time after a permit authority issues a decision**
 26 **under section 10 of this chapter with respect to the construction,**
 27 **installation, siting, modification, operation, or decommissioning of**
 28 **one (1) or more CSE systems in the unit, an interested party**
 29 **described in section 9(a)(8)(C) through 9(a)(8)(D) of this chapter**
 30 **may file a complaint with the project owner alleging that the**
 31 **project owner has failed to comply with:**
- 32 **(1) this chapter;**
 33 **(2) the default standards set forth in IC 8-1-42, if applicable**
 34 **under IC 8-1-42-1(a); or**
 35 **(3) in a unit described in section 1(b)(2) of this chapter, any**
 36 **part of the unit's commercial solar regulation, to the extent**
 37 **such part:**
 38 **(A) is not inconsistent with this chapter; and**
 39 **(B) does not include standards that are more restrictive,**
 40 **directly or indirectly, than the default standards set forth**
 41 **in IC 8-1-42.**
- 42 **(b) An interested party that files a complaint under this section**



1 shall do so in accordance with the project owner's dispute
 2 resolution process, as set forth in the project owner's application
 3 under section 9(a)(9) of this chapter. The following apply with
 4 respect to a complaint filed under this section:

5 (1) The project owner shall:

6 (A) make a good faith effort to resolve the complaint; and

7 (B) conduct any investigation required to resolve the
 8 complaint at the project owner's expense.

9 (2) Not later than thirty (30) days after receiving the
 10 complaint, the project owner shall provide an initial response
 11 to the complainant.

12 (3) The project owner shall:

13 (A) make a good faith effort to resolve the complaint not
 14 later than forty-five (45) days after receiving the
 15 complaint; and

16 (B) notify the permit authority if the complaint is not
 17 resolved within the forty-five (45) day period set forth in
 18 clause (A).

19 (c) If a complaint under this section:

20 (1) is filed by a party described in section 11(a)(2) or 11(a)(3)
 21 of this chapter; and

22 (2) is not resolved within the forty-five (45) day period set
 23 forth in subsection (b)(3)(A);

24 the complainant may file with the commission a petition requesting
 25 a review of the complaint. A petition for review under this
 26 subsection must be filed not later than sixty (60) days after the date
 27 of the filing of the complaint with the project owner under this
 28 section.

29 (d) Upon receiving a petition under subsection (c), the
 30 commission shall, in writing:

31 (1) notify the project owner of the filing of petition; and

32 (2) request from:

33 (A) the project owner;

34 (B) the petitioner; and

35 (C) the permit authority;

36 any information required by the commission to make a
 37 determination on the petition.

38 Any information requested by the commission under subdivision
 39 (2) shall be submitted to the commission not later than thirty (30)
 40 days after the date of the commission's written request.

41 (e) Not later than ninety (90) days after receiving all
 42 information requested under subsection (d)(2), the commission



1 shall issue an order with respect to the complaint. The commission
 2 may issue an order under this subsection without a hearing. The
 3 commission's resolution of the complaint is limited to the scope of
 4 the complaint regarding the project owner's compliance with:

- 5 (1) this chapter;
 6 (2) the default standards set forth in IC 8-1-42, if applicable
 7 under IC 8-1-42-1(a); or
 8 (3) in the case of a unit described in section 1(b)(2) of this
 9 chapter, any part of the unit's commercial solar regulation, to
 10 the extent such part:

- 11 (A) is not inconsistent with this chapter; and
 12 (B) does not include standards that are more restrictive,
 13 directly or indirectly, than the default standards set forth
 14 in IC 8-1-42;
 15 as applicable.

16 (f) In the commission's order under subsection (e), the
 17 commission may order such relief as the public convenience and
 18 necessity may require.

19 (g) In the commission's order under subsection (e), the
 20 commission shall not consider:

- 21 (1) the reasonableness of the default standards set forth in
 22 IC 8-1-42; or
 23 (2) relief regarding:
 24 (A) asserted effects on health;
 25 (B) asserted effects on aesthetics;
 26 (C) asserted effects on property values; or
 27 (D) any other requested relief distinct from the factors set
 28 forth in subsection (e).

29 (h) The commission's order under subsection (e) is considered
 30 a final order, subject to appeal under IC 8-1-3.

31 SECTION 8. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1381, 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:

Page 4, line 10, delete "The standards set forth in sections 10 through 13" and insert "**Except as provided in subsection (d), the standards set forth in sections 10 through 14**".

Page 4, line 40, delete "not inconsistent with:" and insert "**not:**

(A) more restrictive than this chapter; or

(B) inconsistent with IC 36-7-5.3."

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

"(d) A unit may:

(1) adopt and enforce a wind power regulation that includes standards that:

(A) concern the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit; and

(B) are less restrictive than the standards set forth in this chapter; or

(2) waive or make less restrictive any standard set forth in:

(A) this chapter; or

(B) a wind power regulation adopted by the unit in compliance with IC 36-1-3-8.7(f)(3);

with respect to any one (1) wind power device, subject to the consent of each owner of property on which, or adjacent to where, the particular wind power device will be located."

Page 5, line 1, delete "(d)," and insert "(f),".

Page 5, line 9, after "road;" insert "or".

Page 5, delete lines 11 through 13.

Page 5, line 18, delete "(d)," and insert "(f),".

Page 5, line 24, delete "two (2)" and insert "**three (3)**".

Page 5, between lines 25 and 26, begin a new paragraph and insert:

"(c) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the nearest edge of the right-of-way for any utility transmission or distribution line is equal to a distance that is at least one and two-tenths (1.2) times the wind power device's blade tip height, as



measured from the ground to the tip of the blade.

(d) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the property line of any undeveloped land within the unit that is zoned or platted for residential use is equal to a distance that is at least two (2) times the wind power device's blade tip height, as measured from the ground to the tip of the blade."

Page 5, line 26, delete "(c)" and insert "(e)".

Page 5, line 33, delete "(d)" and insert "(f)".

Page 5, line 33, delete "(a)" and insert "(a)(2)".

Page 6, line 5, after "any" insert "**dwelling on a**".

Page 6, line 12, after "affected" insert "**dwelling on a**".

Page 6, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, a wind power device installed in a unit must not interfere with:

- (1) television signals;**
- (2) microwave signals;**
- (3) agricultural global positioning systems;**
- (4) military defense radar; or**
- (5) radio reception."**

Page 6, line 18, delete "12." and insert "13."

Page 6, line 29, delete "13." and insert "14."

Page 8, line 37, delete "that captures and" and insert "**that:**

- (1) has a nameplate capacity of at least ten (10) megawatts; and**
- (2) captures and converts solar energy into electricity:**
 - (A) for the purpose of selling the electricity at wholesale; and**
 - (B) for use in locations other than where it is generated."**

Page 8, delete lines 38 through 40.

Page 11, line 1, delete "The" and insert "**Except as provided in subsection (d), the**".

Page 11, line 31, delete "not inconsistent with:" and insert "**not:**

- (A) more restrictive than this chapter; or**
- (B) inconsistent with IC 36-7-5.4."**

Page 11, delete lines 32 through 33, begin a new paragraph and insert:

"(d) A unit may:

- (1) adopt and enforce a commercial solar regulation that includes standards that:**



- (A) concern the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit; and
- (B) are less restrictive than the standards set forth in this chapter; or
- (2) waive or make less restrictive any standard set forth in:
 - (A) this chapter; or
 - (B) a commercial solar regulation adopted by the unit in compliance with IC 36-1-3-8.8(f)(3);
 with respect to any one (1) CSE system, subject to the consent of each owner of property on which, or adjacent to where, the particular CSE system will be located."

Page 11, line 39, delete "centerline of" and insert "**nearest edge of the right-of-way for**".

Page 12, line 26, delete "twenty (20)" and insert "**twenty-five (25)**".

Page 13, line 6, delete "encouraged but is not required." and insert "**encouraged.**".

Page 13, line 13, delete "cables between banks" and insert "**all cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained above ground. Buried cables shall be**".

Page 13, delete lines 14 through 16.

Page 13, line 17, delete "shall be buried underground".

Page 13, run in lines 13 through 17.

Page 20, line 37, delete "that captures and converts solar" and insert "**that:**

- (1) has a nameplate capacity of at least ten (10) megawatts; and
- (2) captures and converts solar energy into electricity:
 - (A) for the purpose of selling the electricity at wholesale; and
 - (B) for use in locations other than where it is generated."

Page 20, delete lines 38 through 40.

Page 21, line 23, delete "CSE system" and insert "**commercial solar**".

Page 26, delete lines 38 through 40, begin a new line double block indented and insert:

"(C) political subdivisions in which, or adjacent to where,



**the project will be located; and
(D) owners of property on which, or adjacent to where, the project will be located;".**

Page 29, line 30, delete "or".

Page 29, delete lines 31 through 32, begin a new line block indented and insert:

**"(2) an interested party described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter; or
(3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;".**

Page 29, line 37, delete "notify the permit authority of the filing of a petition; and" and insert **"provide notice of the filing of a petition to:**

**(A) the permit authority; and
(B) the project owner, if the project owner is not the petitioner; and".**

Page 29, line 41, delete "owner, if the project owner is not the" and insert **"owner; and".**

Page 29, delete line 42.

Page 30, line 1, delete "any other" and insert **"an".**

Page 30, line 2, delete "9(a)(10)(B)" and insert **"9(a)(10)(C)".**

Page 30, line 9, delete "ninety (90)" and insert **"one hundred fifty (150)".**

Page 30, line 32, delete "may:" and insert **"may affirm, vacate, or modify the permit authority's decision as the public convenience and necessity may require.**

(f) In the commission's order under subsection (c), the commission shall not consider:

(1) the reasonableness of the default standards set forth in IC 8-1-41; or

(2) relief regarding:

(A) asserted effects on health;

(B) asserted effects on aesthetics;

(C) asserted effects on property values; or

(D) any other requested relief distinct from the factors set forth in subsection (d).".

Page 30, delete lines 33 through 36.

Page 30, line 37, delete "(f)" and insert **"(g)".**

Page 30, line 39, delete "before or".

Page 31, line 1, delete "9(a)(10)(B)" and insert **"9(a)(10)(C)".**

Page 31, line 33, delete "section is not resolved within the" and insert **"section:**



(1) is filed by a party described in section 11(a)(2) or 11(a)(3) of this chapter; and

(2) is not resolved within the forty-five (45) day period set forth in subsection (b)(3)(A);

the complainant may file with the commission a petition requesting a review of the complaint. A petition for review under this subsection must be filed not later than sixty (60) days after the date of the filing of the complaint with the project owner under this section."

Page 31, delete lines 34 through 36.

Page 32, line 9, after "complaint." insert **"The commission may issue an order under this subsection without a hearing."**

Page 32, line 10, delete "order must include the commission's findings as to" and insert **"resolution of the complaint is limited to the scope of the complaint regarding"**.

Page 32, between lines 25 and 26, begin a new paragraph and insert: **"(g) In the commission's order under subsection (e), the commission shall not consider:**

(1) the reasonableness of the default standards set forth in IC 8-1-41; or

(2) relief regarding:

(A) asserted effects on health;

(B) asserted effects on aesthetics;

(C) asserted effects on property values; or

(D) any other requested relief distinct from the factors set forth in subsection (e)."

Page 32, line 26, delete "(g)" and insert **"(h)"**.

Page 33, line 21, delete "that captures and" and insert **"that:**

(1) has a nameplate capacity of at least ten (10) megawatts; and

(2) captures and converts solar energy into electricity:

(A) for the purpose of selling the electricity at wholesale; and

(B) for use in locations other than where it is generated."

Page 33, delete lines 22 through 24.

Page 37, delete lines 1 through 3, begin a new line double block indented and insert:

"(C) political subdivisions in which, or adjacent to where, the project will be located; and

(D) owners of property on which, or adjacent to where, the project will be located;"

Page 39, line 35, delete "or".



Page 39, delete lines 36 through 37, begin a new line block indented and insert:

- "(2) an interested party described in section 9(a)(8)(C) through 9(a)(8)(D) of this chapter; or
(3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;"**

Page 39, line 42, delete "notify the permit authority of the filing of a petition; and" and insert **"provide notice of the filing of a petition to:**

- (A) the permit authority; and
(B) the project owner, if the project owner is not the petitioner; and"**

Page 40, line 4, delete "owner, if the project owner is not the" and insert **"owner; and"**.

Page 40, delete line 5.

Page 40, line 6, delete "any other" and insert **"an"**.

Page 40, line 7, delete "9(a)(8)(B)" and insert **"9(a)(8)(C)"**.

Page 40, line 14, delete "ninety (90)" and insert **"one hundred fifty (150)"**.

Page 40, line 37, delete "may:" and insert **"may affirm, vacate, or modify the permit authority's decision as the public convenience and necessity may require."**

(f) In the commission's order under subsection (c), the commission shall not consider:

- (1) the reasonableness of the default standards set forth in IC 8-1-42; or
(2) relief regarding:
(A) asserted effects on health;
(B) asserted effects on aesthetics;
(C) asserted effects on property values; or
(D) any other requested relief distinct from the factors set forth in subsection (d)."**

Page 40, delete lines 38 through 41.

Page 40, line 42, delete "(f)" and insert **"(g)"**.

Page 41, line 2, delete "before or".

Page 41, line 6, delete "9(a)(8)(B)" and insert **"9(a)(8)(C)"**.

Page 41, line 38, delete "section is not resolved within the" and insert **"section:**

- (1) is filed by a party described in section 11(a)(2) or 11(a)(3) of this chapter; and
(2) is not resolved within the forty-five (45) day period set forth in subsection (b)(3)(A);**



the complainant may file with the commission a petition requesting a review of the complaint. A petition for review under this subsection must be filed not later than sixty (60) days after the date of the filing of the complaint with the project owner under this section."

Page 41, delete lines 39 through 41.

Page 42, line 14, after "complaint." insert **"The commission may issue an order under this subsection without a hearing."**

Page 42, line 15, delete "order must include the commission's findings as to" and insert **"resolution of the complaint is limited to the scope of the complaint regarding"**.

Page 42, between lines 30 and 31, begin a new paragraph and insert:

"(g) In the commission's order under subsection (e), the commission shall not consider:

(1) the reasonableness of the default standards set forth in IC 8-1-42; or

(2) relief regarding:

(A) asserted effects on health;

(B) asserted effects on aesthetics;

(C) asserted effects on property values; or

(D) any other requested relief distinct from the factors set forth in subsection (e)."

Page 42, line 31, delete "(g)" and insert **"(h)"**.

and when so amended that said bill do pass.

(Reference is to HB 1381 as introduced.)

SOLIDAY

Committee Vote: yeas 12, nays 1.

