

# HOUSE BILL No. 1401

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-8-19.5.

**Synopsis:** Assessment of wind power devices. Requires a public utility company that owns or operates wind power devices following a change in ownership, when filing its first statement of value and description of property with the department of local government finance (department), to report the valuation of the devices at the same valuation amount that the previous owner reported the valuation of the devices on the previous owner's last annual report prior to the change in ownership. Requires the new owner, for years subsequent to the first year after the change in ownership, to calculate and report the valuation of the wind power devices in accordance with the rules prescribed by the department. Requires the department to make necessary conforming changes to the annual report form. Provides that not more than 30 days after the Indiana utility regulatory commission becomes aware of a change in ownership of a public utility company that owns or operates wind power devices, the Indiana utility regulatory commission shall report the change in ownership to the department. Requires that before November 1, 2024, and before November 1, 2025, the department shall prepare, submit in an electronic format, and present a progress report to the interim study committee on energy, utilities, and telecommunications.

**Effective:** January 1, 2024.

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January 17, 2023, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1401

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

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

1       SECTION 1. IC 6-1.1-8-19.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JANUARY 1, 2024]: **Sec. 19.5. (a) For purposes of this**  
4 **section, "annual report" means the statement of value and**  
5 **description of property described in section 19 of this chapter.**

6       **(b) For purposes of this section, "wind power device" means a**  
7 **device, such as a windmill or a wind turbine, that is designed to**  
8 **utilize the kinetic energy of moving air to provide mechanical**  
9 **energy or to produce electricity.**

10       **(c) This section applies to a public utility company that:**

11           **(1) owns or operates wind power devices; and**

12           **(2) is filing the company's first annual report as the new**  
13 **owner of the wind power devices following a change in**  
14 **ownership.**

15       **(d) Notwithstanding any other law or rule adopted by the**  
16 **department, a public utility company described in subsection (c)**  
17 **shall:**



1 (1) value the wind power devices at the same valuation  
2 amount that the previous owner valued the devices prior to  
3 the change in ownership on the previous owner's last annual  
4 report; and

5 (2) enter that valuation amount on the company's first annual  
6 report following the change in ownership.

7 (e) For years subsequent to the first year after the change in  
8 ownership, the company shall calculate and report the valuation of  
9 the wind power devices on the annual report in accordance with  
10 the rules prescribed by the department.

11 (f) The department shall make changes to the annual report  
12 form necessary to conform with the provisions of this section.

13 (g) Not more than thirty (30) days after the Indiana utility  
14 regulatory commission becomes aware of a change in ownership of  
15 a public utility company that owns or operates wind power devices,  
16 the Indiana utility regulatory commission shall report the change  
17 in ownership to the department.

18 (h) Before November 1, 2024, and before November 1, 2025, the  
19 department shall prepare, submit in an electronic format under  
20 IC 5-14-6, and present to the interim study committee on energy,  
21 utilities, and telecommunications established by IC 2-5-1.3-4(8) a  
22 report on the progress of implementing this section.

