



Reprinted
February 1, 2022

SENATE BILL No. 176

DIGEST OF SB 176 (Updated January 31, 2022 4:48 pm - DI 101)

Citations Affected: IC 8-1.

Synopsis: Agricultural land used for wind or solar energy. Requires the Indiana utility regulatory commission (IURC) to include in its annual report to the governor and the chairman of the legislative council the following information concerning utility grade wind power devices (devices) and utility grade solar energy facilities (facilities) for each county in Indiana: (1) The total number of devices and facilities installed or under construction. (2) The total generating capacity of the devices and facilities. (3) The county's total land acreage that is occupied by, or otherwise part of a project or development that includes, one or more devices or facilities. (4) Of the occupied acreage, the percentage of that acreage that was assessed as agricultural land for property tax purposes: (A) as of the most recent assessment date; or (B) immediately before the commencement of construction of one or more devices or facilities on the land. Requires the IURC to present: (1) the IURC's annual report to the interim study committee on energy, utilities, and telecommunications (committee) before October 1 each year; and (2) the new information required under the bill: (A) before October 1, 2022, to the 21st century energy policy development task force; and (B) before October 1 of each year, to the standing committees of the senate and the house of representatives having subject matter jurisdiction over agricultural matters. Makes conforming amendments to the statute governing the committee's duties to monitor changes and competition in the energy utility industry.

Effective: Upon passage.

Leising, Koch

January 6, 2022, read first time and referred to Committee on Utilities.
January 24, 2022, reported favorably — Do Pass.
January 31, 2022, read second time, amended, ordered engrossed.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 176

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 8-1-1-14 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) **As used in this section,**
3 **"committee" refers to the interim study committee on energy,**
4 **utilities, and telecommunications established by IC 2-5-1.3-4(8).**
5 (b) **As used in this section, "developer" means a person that**
6 **owns or operates, or that will own or operate, one (1) or more:**
7 (1) **utility grade solar energy facilities; or**
8 (2) **utility grade wind power devices;**
9 **in Indiana.**
10 (c) **As used in this section, "task force" refers to the 21st century**
11 **energy policy development task force established by IC 2-5-45.1-2.**
12 (d) **As used in this section, "utility grade solar energy facility"**
13 **means an electric generation facility that captures and converts**
14 **solar energy into electricity for the purpose of selling the electricity**
15 **at wholesale or retail. The term does not include a solar energy**
16 **facility installed on a property owner's premises for the purpose of**
17 **generating electricity to meet or offset all or part of the need for**

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1 electricity on the premises, whether through distributed
 2 generation, participation in a net metering program offered by an
 3 electricity supplier (as defined in IC 8-1-40-4), or otherwise.

4 (e) As used in this section, "utility grade wind power device"
 5 means a device, including a windmill or a wind turbine, that uses
 6 the kinetic energy of moving air to produce electricity for the
 7 purpose of selling the electricity at wholesale or retail. The term
 8 does not include a windmill or wind turbine installed on a property
 9 owner's premises for the purpose of generating electricity to meet
 10 or offset all or part of the need for electricity on the premises,
 11 whether through distributed generation, participation in a net
 12 metering program offered by an electricity supplier (as defined in
 13 IC 8-1-40-4), or otherwise.

14 ~~(a)~~ (f) The chairman of the commission shall prepare an annual
 15 report and file it with the governor and the chairman of the legislative
 16 council before October 1 of each year. **The commission shall present:**

17 **(1) the annual report to the committee before October 1 of**
 18 **each year; and**

19 **(2) the information set forth in subsection (g)(5):**

20 **(A) before October 1, 2022, to the task force; and**

21 **(B) before October 1 of each year to the standing**
 22 **committees of the senate and the house of representatives**
 23 **that have subject matter jurisdiction over agricultural**
 24 **matters.**

25 A report filed under this subsection with the chairman of the legislative
 26 council must be in an electronic format under IC 5-14-6. The chairman
 27 shall include in the **annual** report information for the fiscal year ending
 28 June 30 of the year in which the report is due.

29 ~~(b)~~ (g) The annual report required under subsection ~~(a)~~ (f) must
 30 include the following:

31 (1) A statement of the commission's revenues by source and
 32 expenditures by purpose.

33 (2) Statistics relevant to the workload and operations of the
 34 commission.

35 (3) A description of the commission's goals, legal responsibilities,
 36 and accomplishments.

37 (4) Comments on the state of the commission and the various
 38 kinds of utilities that it regulates.

39 **(5) Beginning with the annual report that is due under**
 40 **subsection (f) in 2022, the following information for each**
 41 **county in Indiana, as of April 30 of the year in which the**
 42 **report is due:**



- 1 (A) The total number of utility grade wind power devices
- 2 installed or under construction in the county.
- 3 (B) The total generating capacity, in megawatts, of the
- 4 utility grade wind power devices installed or under
- 5 construction in the county.
- 6 (C) The total number of utility grade solar energy facilities
- 7 installed or under construction in the county.
- 8 (D) The total generating capacity, in megawatts, of the
- 9 utility grade solar energy facilities installed or under
- 10 construction in the county.
- 11 (E) The county's total land acreage.
- 12 (F) The county's total land acreage that is assessed as
- 13 agricultural land for property tax purposes.
- 14 (G) The county's total land acreage that is:
- 15 (i) occupied by one (1) or more utility grade wind power
- 16 devices, including land occupied by any equipment, lines,
- 17 stations, buildings, structures, temporary or permanent
- 18 access roads, or other temporary or permanent
- 19 infrastructure ancillary to one (1) or more utility grade
- 20 wind power devices; or
- 21 (ii) otherwise part of the footprint of a wind farm,
- 22 project, or development that includes one (1) or more
- 23 utility grade wind power devices.
- 24 (H) Of the total acreage identified under clause (G), the
- 25 percentage of that acreage that either:
- 26 (i) was assessed as agricultural land for property tax
- 27 purposes as of the most recent assessment date; or
- 28 (ii) was assessed as agricultural land for property tax
- 29 purposes immediately before the commencement of
- 30 construction of one (1) or more wind power devices on
- 31 the land.
- 32 (I) For each wind farm, project, or development in the
- 33 county, the following:
- 34 (i) The total number of utility grade wind power devices
- 35 installed or under construction in the wind farm, project,
- 36 or development.
- 37 (ii) The total generating capacity of all utility grade wind
- 38 power devices installed or under construction in the
- 39 wind farm, project, or development.
- 40 (iii) The total land acreage in the footprint of the wind
- 41 farm, project, or development.
- 42 (iv) The name of the owner or developer of the wind



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- farm, project, or development.
- (v) The in-service date, or expected in-service date, of the wind farm, project, or development.
- (J) The county's total land acreage that is:
 - (i) occupied by one (1) or more utility grade solar energy facilities, including land occupied by any equipment, lines, stations, buildings, structures, temporary or permanent access roads, or other temporary or permanent infrastructure ancillary to one (1) or more utility grade solar energy facilities; or
 - (ii) otherwise part of the footprint of a solar energy farm, project, or development that includes one (1) or more utility grade solar energy facilities.
- (K) Of the total acreage identified under clause (J), the percentage of that acreage that either:
 - (i) was assessed as agricultural land for property tax purposes as of the most recent assessment date; or
 - (ii) was assessed as agricultural land for property tax purposes immediately before the commencement of construction of one (1) or more utility grade solar energy facilities on the land.
- (L) For each solar energy farm, project, or development in the county, the following:
 - (i) The total number of utility grade solar energy facilities installed or under construction in the solar energy farm, project, or development.
 - (ii) The total generating capacity of all utility grade solar energy facilities installed or under construction in the solar energy farm, project, or development.
 - (iii) The total land acreage in the footprint of the solar energy farm, project, or development.
 - (iv) The name of the owner or developer of the solar energy farm, project, or development.
 - (v) The in-service date, or expected in-service date, of the solar energy farm, project, or development.

Developers shall report to the commission the information required under this subdivision not later than July 1 of each year, as prescribed by the commission. The commission may consult with the forecasting group established under IC 8-1-8.5-3.5, the department of local government finance, county assessors, township assessors, local officials, project owners or developers, landowners, electric utilities, and other



1 **stakeholders, as the commission determines necessary to**
 2 **provide the required information.**

3 ~~(5)~~ **(6)** Suggestions for new legislation and the rationale for any
 4 proposals.

5 ~~(6)~~ **(7)** Any other matters that the chairman wishes to bring to the
 6 attention of the governor and the general assembly.

7 ~~(7)~~ **(8)** Any comments or proposals that any member of the
 8 commission gives to the chairman for inclusion in the annual
 9 report.

10 SECTION 2. IC 8-1-2.5-9, AS AMENDED BY P.L.53-2014,
 11 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 9. (a) As used in this section, "committee"
 13 means the interim study committee on energy, utilities, and
 14 telecommunications established by IC 2-5-1.3-4.

15 (b) The committee shall monitor changes and competition in the
 16 energy utility industry.

17 (c) The commission shall before ~~August 15~~ **October 1** of each year
 18 prepare for presentation to the committee an analysis of the effects of
 19 competition or changes in the energy utility industry on service and on
 20 the pricing of all energy utility services under the jurisdiction of the
 21 commission.

22 (d) In addition to reviewing the ~~commission report prepared~~
 23 **commission's annual report under IC 8-1-1-14 and the**
 24 **commission's analysis** under subsection (c), the committee shall also
 25 issue a report and recommendations to the legislative council before
 26 November 1 of each year that are based on a review of the following
 27 issues:

28 (1) The effects of competition or changes in the energy utility
 29 industry and the impact of the competition or changes on ~~the~~
 30 residential rates.

31 (2) The status of modernization of the energy utility facilities in
 32 Indiana and the incentives required to further enhance this
 33 infrastructure.

34 (3) The effects on economic development of this modernization.

35 (4) The traditional method of regulating energy utilities and the
 36 method's effectiveness.

37 (5) The economic and social effectiveness of traditional energy
 38 utility service pricing.

39 (6) The effects of legislation enacted by the United States
 40 Congress.

41 (7) All other energy utility issues the committee considers
 42 appropriate; however, it is not the intent of this section to provide



1 for the review of the statutes cited in section 11 of this chapter.
2 The report and recommendations issued under this subsection to the
3 legislative council must be in an electronic format under IC 5-14-6.

4 (e) This section:

5 (1) does not give a party to a collective bargaining agreement any
6 greater rights under the agreement than the party had before
7 January 1, 1995;

8 (2) does not give the committee the authority to order a party to
9 a collective bargaining agreement to cancel, terminate, amend, or
10 otherwise modify the collective bargaining agreement; and

11 (3) may not be implemented by the committee in a way that would
12 give a party to a collective bargaining agreement any greater
13 rights under the agreement than the party had before January 1,
14 1995.

15 (f) The committee shall, with the approval of the commission, retain
16 independent consultants the committee considers appropriate to assist
17 the committee in the review and study. The expenses for the
18 consultants shall be paid with funds from the public utility fees
19 assessed under IC 8-1-6.

20 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 176 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 8, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 176 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) As used in this section, "developer" means a person that owns or operates, or that will own or operate, one (1) or more:

(1) utility grade solar energy facilities; or

(2) utility grade wind power devices;

in Indiana."

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 8, delete "(c)" and insert "(d)".

Page 1, line 15, delete "or feed-in tariff".

Page 2, line 1, delete "(d)" and insert "(e)".

Page 2, line 9, delete "or feed-in tariff".

Page 2, line 11, delete "(e)" and insert "(f)".

Page 2, line 16, delete "(f)(5):" and insert "(g)(5):".

Page 2, line 26, delete "(f)" and insert "(g)".

Page 2, line 26, delete "(e)" and insert "(f)".

Page 2, line 37, delete "(e)" and insert "(f)".

Page 2, line 38, delete "June" and insert "April".

Page 4, line 33, delete "In compiling the information required" and insert "**Developers shall report to the commission the information required**".

Page 4, line 33, delete "subdivision," and insert "**subdivision not later than July 1 of each year, as prescribed by the commission.**".



Page 4, line 34, delete "the commission" and insert "**The commission**".

(Reference is to SB 176 as printed January 25, 2022.)

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