



Reprinted
February 25, 2022

ENGROSSED SENATE BILL No. 411

DIGEST OF SB 411 (Updated February 24, 2022 1:42 pm - DI 101)

Citations Affected: IC 8-1.

Synopsis: Commercial solar and wind energy. Establishes default standards concerning the following with respect to wind power projects in local units that voluntarily adopt the standards: (1) Setback requirements. (2) Height restrictions. (3) Shadow flicker limitations. (4) Signal interference. (5) Sound level limitations. (6) Wind turbine light mitigation technology. (7) Required repairs to drainage related infrastructure. (8) Project decommissioning. Defines a unit that
(Continued next page)

Effective: July 1, 2022.

Messmer, Koch, Randolph Lonnie M

(HOUSE SPONSORS — SOLIDAY, MOED, NEGELE)

January 12, 2022, read first time and referred to Committee on Utilities.

January 24, 2022, reported favorably — Do Pass.

January 27, 2022, read second time, amended, ordered engrossed.

January 28, 2022, engrossed.

February 1, 2022, read third time, passed. Yeas 41, nays 7.

HOUSE ACTION

February 8, 2022, read first time and referred to Committee on Utilities, Energy and Telecommunications.

February 15, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 22, 2022, amended, reported — Do Pass.

February 24, 2022, read second time, amended, ordered engrossed.

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Digest Continued

voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a "wind energy ready community". Establishes default standards concerning the following with respect to commercial solar projects in units that voluntarily adopt the standards: (1) Setback requirements. (2) Height restrictions. (3) Ground cover. (4) Fencing. (5) Cables. (6) Glare. (7) Signal interference. (8) Sound level limitations. (9) Required repairs to drainage related infrastructure. (10) Project decommissioning. Defines a unit that voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a "solar energy ready community".



Reprinted
February 25, 2022

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.

ENGROSSED SENATE BILL No. 411

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 JULY
3 1, 2022]:
4 **Chapter 41. Default Standards for Wind Power Devices**
5 **Sec. 1. (a) Except as provided in subsections (b) and (c), and**
6 **subject to IC 36-7-4-1109 and section 9 of this chapter, the**
7 **standards set forth in sections 10 through 16 of this chapter, or**
8 **standards less restrictive than the standards set forth in sections 10**
9 **through 16 of this chapter, apply to a project owner that, after**
10 **June 30, 2022, files an initial application for a project to install or**
11 **locate one (1) or more wind power devices in a unit that qualifies**
12 **as a wind energy ready community under subsection (d).**
13 **(b) Subject to a unit's planning and zoning powers under**
14 **IC 36-7, this chapter does not apply to a property owner that seeks**
15 **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 program
 4 offered by an electricity supplier (as defined in IC 8-1-40-4), or
 5 otherwise.

6 (c) Unless a standard set forth in sections 10 through 16 of this
 7 chapter is already agreed to before July 1, 2022, by the parties
 8 involved, the standard does not:

9 (1) apply to any proposal, request, or application that:

10 (A) concerns the permitting, construction, installation,
 11 siting, modification, operation, or decommissioning of one

12 (1) or more wind power devices in a unit;

13 (B) is submitted by a project owner to a unit before July 1,
 14 2022; and

15 (C) is pending approval or has been approved as of July 1,
 16 2022;

17 as set forth in IC 36-7-4-1109;

18 (2) affect the:

19 (A) permitting;

20 (B) construction;

21 (C) installation;

22 (D) siting;

23 (E) modification;

24 (F) operation; or

25 (G) decommissioning;

26 of one (1) or more wind power devices in a unit that before
 27 July 1, 2022, has approved such permitting, construction,
 28 installation, siting, modification, operation, or
 29 decommissioning; or

30 (3) affect any:

31 (A) economic development agreement; or

32 (B) other agreement;

33 entered into before July 1, 2022, with respect to the
 34 permitting, construction, installation, siting, modification,
 35 operation, or decommissioning of one (1) or more wind power
 36 devices in one (1) or more units.

37 (d) As used in this section, "wind energy ready community"
 38 means a unit that has voluntarily adopted:

39 (1) the standards set forth in sections 10 through 16 of this
 40 chapter; or

41 (2) standards less restrictive than the standards set forth in
 42 sections 10 through 16 of this chapter.



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

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

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

8 (2) with respect to which:

9 **(A)** the project owner does not seek:

10 (i) to install or locate one (1) or more wind power devices
 11 or other facilities related to a wind power project
 12 (including power lines, temporary or permanent access
 13 roads, or other temporary or permanent infrastructure);
 14 or

15 (ii) to otherwise enter into a lease or any other
 16 agreement with the owner of the property for use of all
 17 or part of the property in connection with a wind power
 18 project; or

19 **(B)** the owner of the property does not consent:

20 (i) to having one (1) or more wind power devices or other
 21 facilities related to a wind power project (including
 22 power lines, temporary or permanent access roads, or
 23 other temporary or permanent infrastructure) installed
 24 or located; or

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

28 **(b)** The term does not include a lot or parcel of real property
 29 otherwise described in subsection (a) if the owner of the lot or
 30 parcel consents to participate in a wind power project through a
 31 neighbor agreement, a participation agreement, or another similar
 32 arrangement or agreement with a project owner.

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

34 (1) a unit; or

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

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

40 **(b)** The term does not include:

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



1 (2) a court or other judicial body that reviews decisions or
2 rulings made by a permit authority.
3 **Sec. 5. (a) As used in this chapter, "project owner" means a**
4 **person that:**
5 (1) will own one (1) or more wind power devices proposed to
6 be located in a unit; or
7 (2) owns one (1) or more wind power devices located in a unit.
8 **(b) The term includes an agent or a representative of a person**
9 **described in subsection (a).**
10 **(c) The term does not include an electricity supplier (as defined**
11 **in IC 8-1-2.3-2).**
12 **Sec. 6. (a) As used in this chapter, "unit" refers to:**
13 (1) a county, if a project owner, as part of a single wind power
14 project or development, seeks to locate one (1) or more wind
15 power devices:
16 (A) entirely within unincorporated areas of the county;
17 (B) within both unincorporated areas of the county and
18 one (1) or more municipalities within the county; or
19 (C) entirely within two (2) or more municipalities within
20 the county; or
21 (2) a municipality, if:
22 (A) a project owner, as part of a single wind power project
23 or development, seeks to locate one (1) or more wind
24 power devices entirely within the boundaries of the
25 municipality; and
26 (B) subdivision (1)(B) or (1)(C) does not apply.
27 **(b) The term refers to:**
28 (1) each county described in subsection (a)(1) in which a
29 project owner seeks to locate one (1) or more wind power
30 devices, if the project owner seeks to locate wind power
31 devices in more than one (1) county as part of a single wind
32 power project or development; and
33 (2) each municipality described in subsection (a)(2) in which
34 a project owner seeks to locate one (1) or more wind power
35 devices, if the project owner seeks to locate wind power
36 devices in two (2) or more municipalities, each of which is
37 located in a different county.
38 **Sec. 7. As used in this chapter, "wind power device" means a**
39 **device, including a windmill or a wind turbine, that is designed to**
40 **use the kinetic energy of moving air to provide mechanical energy**
41 **or to produce electricity.**
42 **Sec. 8. As used in this chapter, "wind power regulation" refers**



1 to any ordinance or regulation, including any:

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

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

4 that is adopted by a unit and that concerns the permitting,
5 construction, installation, siting, modification, operation, or
6 decommissioning of wind power devices in the unit.

7 Sec. 9. (a) A permit authority for a unit described in section 1(a)
8 of this chapter is responsible for enforcing compliance with any
9 standards set forth in sections 10 through 16 of this chapter that
10 apply in the unit under section 1(a) of this chapter.

11 (b) A unit may:

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

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

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

19 (2) waive or make less restrictive any standard set forth in
20 this chapter with respect to any particular:

21 (A) wind power device; or

22 (B) project to install one (1) or more wind power devices in
23 the unit; or

24 (3) waive or make less restrictive any standard that is not set
25 forth in this chapter but that is included in a wind power
26 regulation adopted by the unit with respect to any particular:

27 (A) wind power device; or

28 (B) project to install one (1) or more wind power devices in
29 the unit.

30 (c) This chapter does not affect a unit's planning and zoning
31 powers under IC 36-7 with respect to the permitting, construction,
32 installation, or siting of one (1) or more wind power devices in the
33 unit.

34 Sec. 10. (a) Subject to subsection (h), and except as otherwise
35 allowed by IC 36-7-4-1109, a project owner may not install or
36 locate a wind power device on property in a unit unless the
37 distance, measured as a straight line, from the vertical centerline
38 of the base of the wind power device to:

39 (1) the centerline of any:

40 (A) runway located on a public use airport, private use
41 airport, or municipal airport;

42 (B) public use highway, street, or road; or



- 1 (C) railroad easement or right-of-way; or
2 (2) the property line of any nonparticipating property;
3 is equal to a distance that is at least one and one-tenth (1.1) times
4 the wind power device's blade tip height, as measured from the
5 ground to the tip of the blade.
- 6 (b) Subject to subsection (h), and except as otherwise allowed by
7 IC 36-7-4-1109, a project owner may not install or locate a wind
8 power device on property in a unit unless the distance, measured
9 as a straight line, from the vertical centerline of the base of the
10 wind power device to the nearest point on the outer wall of a
11 dwelling located on a nonparticipating property is equal to a
12 distance that is at least three (3) times the wind power device's
13 blade tip height, as measured from the ground to the tip of the
14 blade.
- 15 (c) Except as otherwise allowed by IC 36-7-4-1109, a project
16 owner may not install or locate a wind power device on property
17 in a unit unless the distance, measured as a straight line, from the
18 vertical centerline of the base of the wind power device to the
19 nearest edge of the right-of-way for any utility transmission or
20 distribution line is equal to a distance that is at least one and
21 two-tenths (1.2) times the wind power device's blade tip height, as
22 measured from the ground to the tip of the blade.
- 23 (d) Except as otherwise allowed by IC 36-7-4-1109, a project
24 owner may not install or locate a wind power device on property
25 in a unit unless the distance, measured as a straight line, from the
26 vertical centerline of the base of the wind power device to the
27 property line of any undeveloped land within the unit that is zoned
28 or platted for residential use is equal to a distance that is at least
29 two (2) times the wind power device's blade tip height, as measured
30 from the ground to the tip of the blade.
- 31 (e) Except as otherwise allowed by IC 36-7-4-1109, a project
32 owner may not install or locate a wind power device on property
33 in a unit unless the distance, measured as a straight line, from the
34 vertical centerline of the base of the wind power device to the
35 property line of a state park is equal to a distance of at least one (1)
36 mile.
- 37 (f) A project owner may not install or locate a wind power
38 device within a county unless the distance, measured as a straight
39 line, from the vertical centerline of the base of the wind power
40 device to the corporate boundaries of any municipality within the
41 county is equal to a distance of at least one (1) mile. However, a
42 municipality may waive or reduce the minimum distance



1 prescribed by this subsection with respect to the installation of one
2 (1) or more wind power devices.

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

10 (h) The distance requirements set forth in subsections (a)(2) and
11 (b) may be waived with respect to the siting of any one (1) wind
12 power device, subject to the written consent of the owner of each
13 affected nonparticipating property.

14 **Sec. 11. (a)** Subject to subsection (c), and except as otherwise
15 allowed by IC 36-7-4-1109, a project owner may not install or
16 locate one (1) or more wind power devices in a unit unless the
17 project owner demonstrates to the permit authority that with
18 respect to each wind power device that the project owner seeks to
19 install or locate in the unit:

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

23 (2) the wind power device has been designed such that
24 industry standard computer modeling indicates that any
25 dwelling on a nonparticipating property within the unit will
26 not experience more than thirty (30) hours per year of shadow
27 flicker under planned operating conditions for the wind
28 power device.

29 (b) After a project owner installs or locates a wind power device
30 in a unit, the project owner shall work with the owner of any
31 affected dwelling on a nonparticipating property to mitigate the
32 effects of shadow flicker to the extent reasonably practicable.

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

37 **Sec. 12.** Except as otherwise allowed by IC 36-7-4-1109, a wind
38 power device installed in a unit must be installed in a manner so as
39 to minimize and mitigate impacts to:

40 (1) television signals;

41 (2) microwave signals;

42 (3) agricultural global positioning systems;



- 1 (4) military defense radar;
 2 (5) radio reception; or
 3 (6) weather and doppler radar.

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

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

15 Sec. 14. (a) As used in this section, "wind turbine light
 16 mitigation technology" means any technology used in connection
 17 with a wind power device to shield, limit, or otherwise mitigate the
 18 amount, intensity, character, or visibility of light emitted from the
 19 wind power device.

20 (b) Except as otherwise allowed by IC 36-7-4-1109, after
 21 January 1, 2023, and to the extent permissible under federal law or
 22 regulations, a wind power device on property in a unit must be
 23 equipped with a wind turbine light mitigation technology, unless:

- 24 (1) the Federal Aviation Administration denies the project
 25 owner's application to use a wind turbine light mitigation
 26 technology;
 27 (2) the wind turbine light mitigation technology application is
 28 pending review by the appropriate federal agencies; or
 29 (3) the project owner determines that the use of a wind
 30 turbine light mitigation technology is not economically
 31 feasible.

32 Sec. 15. This section applies with respect to a wind power device
 33 that is constructed or installed in a unit after June 30, 2022. Except
 34 as otherwise allowed by IC 36-7-4-1109, all damages to waterways,
 35 drainage ditches, field tiles, or other drainage related
 36 infrastructure caused by the construction, installation, or
 37 maintenance of a wind power device must be completely repaired
 38 by the project owner or remedied with the installation of new
 39 drainage infrastructure so as to not impede the natural flow of
 40 water. All repairs must be completed within a reasonable period of
 41 time and:

- 42 (1) to the satisfaction of the unit; and



1 (2) as stated in an applicable lease or another agreement with
 2 the landowner;
 3 subject to applicable federal, state, and local drainage laws and
 4 regulations.

5 Sec. 16. (a) Subject to subsection (b), and except as otherwise
 6 allowed by IC 36-7-4-1109, a project owner may not install or
 7 locate a wind power device in a unit unless the project owner
 8 submits to the permit authority a decommissioning and site
 9 restoration plan, and posts a surety bond, or an equivalent means
 10 of security acceptable to the permit authority, including a parent
 11 company guarantee or an irrevocable letter of credit, but excluding
 12 cash, in an amount equal to the estimated cost of decommissioning
 13 the wind power device, as calculated by a third party licensed or
 14 registered engineer, or by another person with suitable experience
 15 in the decommissioning of wind power devices, as agreed upon by
 16 the project owner and the permit authority. The required bond or
 17 other security shall be posted in increments such that the total
 18 amount of the bond or security posted is as follows:

19 (1) An amount equal to twenty-five percent (25%) of the total
 20 estimated decommissioning costs not later than the start date
 21 of the wind power device's full commercial operation. For
 22 purposes of this subdivision, the total estimated
 23 decommissioning costs shall be reevaluated by a third party
 24 licensed or registered engineer (or by another person with
 25 suitable experience in the decommissioning of wind power
 26 devices, as agreed upon by the project owner and the permit
 27 authority) in connection with the:

28 (A) fifth anniversary; and

29 (B) tenth anniversary;

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

34 (2) An amount equal to fifty percent (50%) of the total
 35 estimated decommissioning costs not later than the fifteenth
 36 anniversary of the start date of the wind power device's full
 37 commercial operation. For purposes of this subdivision, the
 38 total estimated decommissioning costs shall be reevaluated by
 39 a third party licensed or registered engineer (or by another
 40 person with suitable experience in the decommissioning of
 41 wind power devices, as agreed upon by the project owner and
 42 the permit authority) in connection with the fifteenth



1 anniversary of the start date of the wind power device's full
2 commercial operation, and the total amount of the bond or
3 security posted under this subdivision shall be adjusted as
4 necessary after the reevaluation.

5 (3) An amount equal to one hundred percent (100%) of the
6 total estimated decommissioning costs not later than the
7 twentieth anniversary of the start date of the wind power
8 device's full commercial operation. For purposes of this
9 subdivision, the total estimated decommissioning costs shall
10 be reevaluated by a third party licensed or registered
11 engineer (or by another person with suitable experience in the
12 decommissioning of wind power devices, as agreed upon by
13 the project owner and the permit authority):

14 (A) in connection with the twentieth anniversary of the
15 start date of the wind power device's full commercial
16 operation; and

17 (B) at least once every succeeding five (5) year period after
18 the twentieth anniversary of the start date of the wind
19 power device's full commercial operation;

20 and the total amount of the bond or security posted under this
21 subdivision shall be adjusted as necessary after each
22 reevaluation.

23 (b) For purposes of this section, the estimated cost of
24 decommissioning a wind power device, as calculated by a licensed
25 or registered professional engineer (or by another person with
26 suitable experience in the decommissioning of wind power devices,
27 as agreed upon by the project owner and the permit authority),
28 shall be net of any estimated salvage value attributable to the wind
29 power device at the time of decommissioning, unless the unit and
30 the project owner agree to include any such value in the estimated
31 cost.

32 SECTION 2. IC 8-1-42 IS ADDED TO THE INDIANA CODE AS
33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2022]:

35 **Chapter 42. Default Standards for Commercial Solar Energy**
36 **Systems**

37 **Sec. 1. (a)** Except as provided in subsections (b) and (c), and
38 subject to IC 36-7-4-1109 and section 9 of this chapter, the
39 standards set forth in sections 10 through 20 of this chapter, or
40 standards less restrictive than the standards set forth in sections 10
41 through 20 of this chapter, apply to a project owner that, after
42 June 30, 2022, files an initial application for a project to install or



- 1 locate one (1) or more CSE systems in a unit that qualifies as a
- 2 solar energy ready community under subsection (d).
- 3 (b) Subject to a unit's planning and zoning powers under
- 4 IC 36-7, this chapter does not apply to a property owner who seeks
- 5 to install a solar energy device (as defined in IC 32-23-4-3) on the
- 6 property owner's premises for the purpose of generating electricity
- 7 to meet or offset all or part of the need for electricity on the
- 8 premises, whether through distributed generation, participation in
- 9 a net metering program offered by an electricity supplier (as
- 10 defined in IC 8-1-40-4), or otherwise.
- 11 (c) Unless a standard set forth in sections 10 through 20 of this
- 12 chapter is already agreed to before July 1, 2022, by the parties
- 13 involved, the standard does not:
- 14 (1) apply to any proposal, request, or application that:
- 15 (A) concerns the permitting, construction, installation,
- 16 siting, modification, operation, or decommissioning of one
- 17 (1) or more CSE systems in a unit;
- 18 (B) is submitted by a project owner to a unit before July 1,
- 19 2022; and
- 20 (C) is pending approval or has been approved as of July 1,
- 21 2022;
- 22 as set forth in IC 36-7-4-1109;
- 23 (2) affect the:
- 24 (A) permitting;
- 25 (B) construction;
- 26 (C) installation;
- 27 (D) siting;
- 28 (E) modification;
- 29 (F) operation; or
- 30 (G) decommissioning;
- 31 of one (1) or more CSE systems in a unit that before July 1,
- 32 2022, has approved such permitting, construction,
- 33 installation, siting, modification, operation, or
- 34 decommissioning; or
- 35 (3) affect any:
- 36 (A) economic development agreement; or
- 37 (B) other agreement;
- 38 entered into before July 1, 2022, with respect to the
- 39 permitting, construction, installation, siting, modification,
- 40 operation, or decommissioning of one (1) or more CSE
- 41 systems in one (1) or more units.
- 42 (d) As used in this section, "solar energy ready community"



- 1 means a unit that has voluntarily adopted:
- 2 (1) the standards set forth in sections 10 through 20 of this
- 3 chapter; or
- 4 (2) standards less restrictive than the standards set forth in
- 5 sections 10 through 20 of this chapter.
- 6 Sec. 2. (a) As used in this chapter, "commercial solar energy
- 7 system", or "CSE system", means a system that:
- 8 (1) has a nameplate capacity of at least ten (10) megawatts;
- 9 and
- 10 (2) captures and converts solar energy into electricity:
- 11 (A) for the purpose of selling the electricity at wholesale;
- 12 and
- 13 (B) for use in locations other than where it is generated.
- 14 (b) The term includes solar panels, collection and feeder lines,
- 15 generation tie lines, substations, ancillary buildings, solar
- 16 monitoring stations, and accessory equipment or structures.
- 17 Sec. 3. As used in this chapter, "commercial solar regulation"
- 18 refers to any ordinance or regulation, including any:
- 19 (1) zoning or land use ordinance or regulation; or
- 20 (2) general or specific planning ordinance or regulation;
- 21 that is adopted by a unit and that concerns the permitting,
- 22 construction, installation, siting, modification, operation, or
- 23 decommissioning of CSE systems in the unit.
- 24 Sec. 4. As used in this chapter, "dwelling" means any building,
- 25 structure, or part of a building or structure that is occupied as, or
- 26 is designed or intended for occupancy as, a residence by one (1) or
- 27 more families or individuals.
- 28 Sec. 5. (a) As used in this chapter, "nonparticipating property"
- 29 means a lot or parcel of real property:
- 30 (1) that is not owned by a project owner; and
- 31 (2) with respect to which:
- 32 (A) the project owner does not seek:
- 33 (i) to install or locate one (1) or more CSE systems or
- 34 other facilities related to a CSE system project (including
- 35 power lines, temporary or permanent access roads, or
- 36 other temporary or permanent infrastructure); or
- 37 (ii) to otherwise enter into a lease or any other
- 38 agreement with the owner of the property for use of all
- 39 or part of the property in connection with a CSE system
- 40 project; or
- 41 (B) the owner of the property does not consent:
- 42 (i) to having one (1) or more CSE systems or other



1 facilities related to a CSE system project (including
 2 power lines, temporary or permanent access roads, or
 3 other temporary or permanent infrastructure) installed
 4 or located; or

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

8 (b) The term does not include a lot or parcel of real property
 9 otherwise described in subsection (a) if the owner of the lot or
 10 parcel consents to participate in a CSE system project through a
 11 neighbor agreement, a participation agreement, or another similar
 12 arrangement or agreement with a project owner.

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

14 (1) a unit; or

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

17 that makes legislative or administrative decisions concerning the
 18 permitting, construction, installation, siting, modification,
 19 operation, or decommissioning of CSE systems in the unit.

20 (b) The term does not include:

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

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

25 Sec. 7. (a) As used in this chapter, "project owner" means a
 26 person that:

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

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

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

32 (c) The term does not include an electricity supplier (as defined
 33 in IC 8-1-2.3-2).

34 Sec. 8. (a) As used in this chapter, "unit" refers to:

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

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

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

41 (C) entirely within two (2) or more municipalities within
 42 the county; or



- 1 **(2) a municipality, if:**
- 2 **(A) a project owner, as part of a single CSE system project**
- 3 **or development, seeks to locate one (1) or more CSE**
- 4 **systems entirely within the boundaries of the municipality;**
- 5 **and**
- 6 **(B) subdivision (1)(B) or (1)(C) does not apply.**
- 7 **(b) The term refers to:**
- 8 **(1) each county described in subsection (a)(1) in which a**
- 9 **project owner seeks to locate one (1) or more CSE systems, if**
- 10 **the project owner seeks to locate CSE systems in more than**
- 11 **one (1) county as part of a single CSE system project or**
- 12 **development; and**
- 13 **(2) each municipality described in subsection (a)(2) in which**
- 14 **a project owner seeks to locate one (1) or more CSE systems,**
- 15 **if the project owner seeks to locate CSE systems in two (2) or**
- 16 **more municipalities, each of which is located in a different**
- 17 **county.**
- 18 **Sec. 9. (a) A permit authority for a unit described in section 1(a)**
- 19 **of this chapter is responsible for enforcing compliance with any**
- 20 **standards set forth in sections 10 through 20 of this chapter that**
- 21 **apply in the unit under section 1(a) of this chapter.**
- 22 **(b) A unit may:**
- 23 **(1) adopt and enforce a commercial solar regulation that**
- 24 **includes standards that:**
- 25 **(A) concern the permitting, construction, installation,**
- 26 **siting, modification, operation, or decommissioning of CSE**
- 27 **systems in the unit; and**
- 28 **(B) are less restrictive than the standards set forth in this**
- 29 **chapter;**
- 30 **(2) waive or make less restrictive any standard set forth in**
- 31 **this chapter with respect to any particular:**
- 32 **(A) CSE system; or**
- 33 **(B) project to install one (1) or more CSE systems in the**
- 34 **unit; or**
- 35 **(3) waive or make less restrictive any standard that is not set**
- 36 **forth in this chapter but that is included in a commercial solar**
- 37 **regulation adopted by the unit with respect to any particular:**
- 38 **(A) CSE system; or**
- 39 **(B) project to install one (1) or more CSE systems in the**
- 40 **unit.**
- 41 **(c) This chapter does not affect a unit's planning and zoning**
- 42 **powers under IC 36-7 with respect to the permitting, construction,**



1 installation, or siting of one (1) or more CSE systems in the unit.

2 **Sec. 10. (a)** Subject to subsection (e), and except as otherwise
3 allowed by IC 36-7-4-1109, a project owner may not install or
4 locate a CSE system on property in a unit unless the distance,
5 measured as a straight line, from the nearest outer edge of the CSE
6 system's solar panels to:

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

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

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

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

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

14 (b) Subject to subsection (e), and except as otherwise allowed by
15 IC 36-7-4-1109, a project owner may not install or locate a CSE
16 system on property in a unit unless the distance, measured as a
17 straight line, from the nearest outer edge of the CSE system's solar
18 panels to the nearest point on the outer wall of a dwelling located
19 on a nonparticipating property is at least two hundred fifty (250)
20 feet.

21 (c) Subject to subsection (e), and except as otherwise allowed by
22 IC 36-7-4-1109, if a project owner installs a CSE system within a
23 distance of two hundred fifty (250) feet, measured as a straight
24 line, from the nearest outer edge of the CSE system's solar panels
25 to the nearest point on the outer wall of a dwelling located on a
26 nonparticipating property, the project owner shall install a
27 landscape buffer in the area between the nearest outer edge of the
28 CSE system's solar panels and the nonparticipating property
29 owner's property line that faces the CSE system's solar panels. The
30 landscape buffer must be:

31 (1) in a location that is not on the property of the
32 nonparticipating property owner; and

33 (2) constructed from such materials;

34 as set forth in a plan submitted to the unit during the permitting
35 and approval process for the CSE system.

36 (d) Except as otherwise allowed by IC 36-7-4-1109, a project
37 owner may not install or locate a CSE system on property in a unit
38 unless the height of the CSE system solar panels are not more than
39 twenty-five (25) feet above ground level when the CSE system's
40 arrays are at full tilt. However, a permit authority or a unit may
41 not impose a clearance requirement between the ground and the
42 bottom edge of a CSE system's solar panels.



1 (e) The:

2 (1) distance requirements set forth in subsection (a)(2) and
3 subsection (b); and

4 (2) requirement for the installation of a landscape buffer set
5 forth in subsection (c);

6 may be waived with respect to the siting of any one (1) CSE system,
7 subject to the written consent of the owner of each affected
8 nonparticipating property.

9 Sec. 11. Except as otherwise allowed by IC 36-7-4-1109, if a
10 project owner installs a CSE system in a unit, the project owner
11 shall plant, establish, and maintain for the life of the CSE system
12 perennial vegetated ground cover on the ground around and under
13 solar panels, and in project site buffer areas. The use of pollinator
14 seed mixes in the planting of ground cover required by this section
15 is encouraged. A unit or permit authority may require a project
16 owner to prepare for a project site a vegetation plan that:

17 (1) is compatible with each CSE system on the project site;

18 (2) provides for the planting of noninvasive species and the
19 use of native or naturalized species if the planting and use of
20 noninvasive and native or naturalized species are:

21 (A) appropriate to the region;

22 (B) economically feasible; and

23 (C) agreed to by the landowner;

24 in order to reduce storm water runoff and erosion at the site
25 and to provide habitat for wildlife and insects; and

26 (3) provides for site preparation and maintenance practices
27 designed to control invasive species and noxious weeds (as
28 defined in IC 15-16-7-2).

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

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



1 depth. Cables and lines located outside of the CSE system project
2 site may:

- 3 (1) be located above ground; or
4 (2) in the case of cables or lines of up to thirty-four and
5 one-half (34.5) kilovolts, be buried underground at:
6 (A) a depth of at least forty-eight (48) inches below grade,
7 so as to not interfere with drainage tile or ditch repairs; or
8 (B) another depth, as necessitated by conditions;
9 as determined in consultation with the landowner.

10 Sec. 14. Except as otherwise allowed by IC 36-7-4-1109, a CSE
11 system installed by a project owner must be designed and
12 constructed to:

- 13 (1) minimize glare on adjacent properties and roadways; and
14 (2) not interfere with vehicular traffic, including air traffic.

15 Sec. 15. Except as otherwise allowed by IC 36-7-4-1109, a CSE
16 system installed in a unit must be installed in a manner so as to
17 minimize and mitigate impacts to:

- 18 (1) television signals;
19 (2) microwave signals;
20 (3) agricultural global positioning systems;
21 (4) military defense radar;
22 (5) radio reception; or
23 (6) weather and doppler radar.

24 Sec. 16. (a) Subject to subsection (b), and except as otherwise
25 allowed by IC 36-7-4-1109, a project owner may not install or
26 locate a CSE system in a unit unless the project owner
27 demonstrates to the permit authority that the CSE system will
28 operate in a manner such that the sound attributable to the CSE
29 system will not exceed an hourly average sound level of fifty (50)
30 A-weighted decibels, as modeled at the outer wall of a dwelling
31 located on an adjacent nonparticipating property.

32 (b) The requirement set forth in subsection (a) may be waived
33 with respect to any one (1) CSE system, subject to the written
34 consent of the owner of each adjacent nonparticipating property.

35 Sec. 17. This section applies with respect to a CSE system that
36 is constructed or installed in a unit after June 30, 2022. Except as
37 otherwise allowed by IC 36-7-4-1109, all damages to waterways,
38 drainage ditches, field tiles, or other drainage related
39 infrastructure caused by the construction, installation, or
40 maintenance of a CSE system must be completely repaired by the
41 project owner or remedied with the installation of new drainage
42 infrastructure so as to not impede the natural flow of water. All



1 repairs must be completed within a reasonable period of time and:
 2 (1) to the satisfaction of the unit; and
 3 (2) as stated in an applicable lease or another agreement with
 4 the landowner;
 5 subject to applicable federal, state, and local drainage laws and
 6 regulations.

7 Sec. 18. (a) Subject to subsection (b), and except as otherwise
 8 allowed by IC 36-7-4-1109, a project owner may not install or
 9 locate a CSE system in a unit unless the project owner submits to
 10 the permit authority a decommissioning and site restoration plan,
 11 and posts a surety bond, or an equivalent means of security
 12 acceptable to the permit authority, including a parent company
 13 guarantee or an irrevocable letter of credit, but excluding cash, in
 14 an amount equal to the estimated cost of decommissioning the CSE
 15 system, as calculated by a third party licensed or registered
 16 engineer or by another person with suitable experience in the
 17 decommissioning of CSE systems, as agreed upon by the project
 18 owner and the permit authority. The required bond or other
 19 security shall be posted in increments such that the total amount of
 20 the bond or security posted is as follows:

21 (1) An amount equal to twenty-five percent (25%) of the total
 22 estimated decommissioning costs not later than the start date
 23 of the CSE system's full commercial operation.

24 (2) An amount equal to fifty percent (50%) of the total
 25 estimated decommissioning costs not later than the fifth
 26 anniversary of the start date of the CSE system's full
 27 commercial operation.

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

37 (A) in connection with the tenth anniversary of the start
 38 date of the CSE system's full commercial operation; and

39 (B) at least once every succeeding five (5) year period after
 40 the tenth anniversary of the start date of the CSE system's
 41 full commercial operation;

42 and the total amount of the bond or security posted under this



- 1 subdivision shall be adjusted as necessary after each
2 reevaluation.
- 3 (b) For purposes of this section, the estimated cost of
4 decommissioning a CSE system, as calculated by a licensed or
5 registered professional engineer (or by another person with
6 suitable experience in the decommissioning of CSE systems, as
7 agreed upon by the project owner and the permit authority), shall
8 be net of any estimated salvage value attributable to the CSE
9 system at the time of decommissioning, unless the unit and the
10 project owner agree to include any such value in the estimated cost.
- 11 (c) A project owner shall provide to the permit authority
12 written notice of the project owner's intent to decommission a CSE
13 system not later than sixty (60) days before the discontinuation of
14 commercial operation by the CSE system. Except as provided in
15 subsection (e), after the discontinuation of commercial operation
16 by the CSE system, and as part of the decommissioning process:
- 17 (1) all structures, foundations, roads, gravel areas, and cables
18 associated with the project shall be removed to a depth of at
19 least thirty-six (36) inches below grade; and
 - 20 (2) the ground shall be restored to a condition reasonably
21 similar to its condition before the start of construction
22 activities in connection with the CSE system project.
- 23 (d) Except as provided in subsection (e), if the project owner
24 fails to remove all CSE system project assets not later than one (1)
25 year after the proposed date of final decommissioning, as set forth
26 in the notice to the permit authority under subsection (c), the
27 permit authority may engage qualified contractors to:
- 28 (1) enter the project site;
 - 29 (2) remove the CSE system project assets;
 - 30 (3) sell any assets removed; and
 - 31 (4) remediate the site;
- 32 and may initiate proceedings to recover any costs incurred.
- 33 (e) Project assets may remain in place after decommissioning is
34 complete if:
- 35 (1) the location and condition of the assets conform with local
36 regulations at the time of decommissioning; and
 - 37 (2) the written consent of the landowner is obtained.
- 38 Sec. 19. (a) If a CSE system installed in a unit does not generate
39 electricity for eighteen (18) consecutive months:
- 40 (1) the CSE system is considered abandoned as of the date
41 that is five hundred forty (540) days after the date on which
42 the CSE system last generated electricity; and



- 1 (2) all CSE system project assets shall be removed in
2 accordance with section 18(c) of this chapter not later than
3 one (1) year after the date of abandonment specified in
4 subdivision (1).
- 5 (b) In the case of abandonment, as described in subsection (a),
6 if the project owner fails to remove the CSE system project assets
7 not later than one (1) year after the date of abandonment, as
8 required by subsection (a)(2), the permit authority may engage
9 qualified contractors to:
- 10 (1) enter the project site;
11 (2) remove the CSE system project assets;
12 (3) sell any assets removed; and
13 (4) remediate the site;
- 14 and may initiate proceedings to recover any costs incurred.
- 15 Sec. 20. (a) As used in this section, "force majeure event"
16 includes the following:
- 17 (1) Fire, flood, tornado, or other natural disasters or acts of
18 God.
19 (2) War, civil strife, a terrorist attack, or other similar acts of
20 violence.
21 (3) Other unforeseen events or events over which a project
22 owner has no control.
- 23 (b) If a force majeure event results in a CSE system not
24 generating electricity, the project owner shall:
- 25 (1) as soon as practicable after the occurrence of the force
26 majeure event, provide notice to the permit authority of the
27 event and of the resulting cessation of generating operations;
28 and
29 (2) demonstrate to the permit authority that the CSE system
30 will be substantially operational and generating electricity not
31 later than twelve (12) months after the occurrence of the force
32 majeure event.
- 33 (c) If the CSE system does not become substantially operational
34 and resume generating electricity within the time set forth in
35 subsection (b)(2):
- 36 (1) the CSE system is considered abandoned as of the date
37 that is three hundred sixty-five (365) days after the date on
38 which the CSE system last generated electricity, unless the
39 project owner demonstrates to the permit authority that the
40 project owner is using all commercially reasonable efforts to
41 resume generation; and
42 (2) all CSE system project assets shall be removed in



1 accordance with section 18(c) of this chapter not later than
2 one (1) year after the date of abandonment specified in
3 subdivision (1).

4 (d) In the case of presumed abandonment, as described in
5 subsection (c), if the project owner fails to remove the CSE system
6 project assets not later than one (1) year after the date of
7 abandonment, as required by subsection (c)(2), the permit
8 authority may engage qualified contractors to:

- 9 (1) enter the project site;
10 (2) remove the CSE system project assets;
11 (3) sell any assets removed; and
12 (4) remediate the site;
13 and may initiate proceedings to recover any costs incurred.



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 411, 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 411 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 7, Nays 1

 SENATE MOTION

Madam President: I move that Senate Bill 411 be amended to read as follows:

Page 3, delete lines 12 through 13.

Page 3, line 14, delete "(2)" and insert "(1)".

Page 3, line 19, delete "(3)" and insert "(2)".

Page 3, line 36, delete "(4)" and insert "(3)".

Page 4, line 8, delete "develops a" and insert "**submits a commercial solar project to be approved under standards that comply with IC 8-1-42-10 through IC 8-1-42-20;**".

Page 4, delete line 9.

Page 4, delete lines 30 through 31.

Page 4, line 32, delete "(2)" and insert "(1)".

Page 4, line 37, delete "(3)" and insert "(2)".

Page 5, line 12, delete "(4)" and insert "(3)".

Page 5, line 25, delete "develops a" and insert "**submits a wind power project to be approved under standards that comply with IC 8-1-41-10 through IC 8-1-41-16;**".

Page 5, delete line 26.

Page 12, line 40, delete "a project owner may not commence construction on".

Page 12, line 41, delete "unless the wind power".

Page 12, line 42, delete "device is" and insert "**must be**".

Page 12, line 42, after "technology," insert "**unless:**".

Page 13, delete lines 1 through 3.

Page 13, line 6, delete "or".

Page 13, between lines 6 and 7, begin a new line block indented and insert:

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"(2) the wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or".

Page 13, line 7, delete "(2)" and insert "(3)".

Page 13, line 16, delete "to near original condition" and insert **"or remedied with the installation of new drainage infrastructure"**.

Page 13, line 30, after "credit," insert **"but excluding cash,"**.

Page 19, line 36, delete "one hundred fifty (150)" and insert **"two hundred fifty (250)"**.

Page 20, line 2, delete "outer wall of the dwelling located on" and insert **"CSE system-facing property line of"**.

Page 20, line 4, delete "location;" and insert **"location that is not on the property of the nonparticipating property owner;"**.

Page 21, line 9, delete "underground." and insert **"underground, as feasible."**

Page 22, line 12, delete "to near original condition" and insert **"or remedied with the installation of new drainage infrastructure"**.

Page 22, line 26, after "credit," insert **"but excluding cash,"**.

(Reference is to SB 411 as printed January 25, 2022.)

MESSMER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 411, 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 1, line 10, after "the" insert **"permitting,"**.

Page 2, line 23, after "the" insert **"permitting,"**.

Page 3, line 13, after "the" insert **"permitting,"**.

Page 4, line 3, delete "If:" and insert **"Except as provided in subsection (c), if:"**.

Page 4, line 19, delete "(a)(4)," and insert **"(a)(3),"**.

Page 4, line 23, delete "(a)(4)." and insert **"(a)(3)."**.

Page 4, between lines 23 and 24, begin a new paragraph and insert:
"(c) The corporation may not authorize a unit to receive a financial incentive under subsection (b) with respect to a commercial solar project if the project owner has executed, before July 1, 2022, a commercial power purchase agreement, or another



similar contract, for the sale and purchase of power generated by the project."

Page 4, line 30, after "the" insert "**permitting,**".

Page 5, line 19, delete "If:" and insert "**Except as provided in subsection (c), if:**".

Page 5, line 34, delete "(a)(4)," and insert "**(a)(3),**".

Page 5, line 39, delete "(a)(4)." and insert "**(a)(3).**".

Page 5, between lines 39 and 40, begin a new paragraph and insert:
"(c) The corporation may not authorize a unit to receive a financial incentive under subsection (b) with respect to a wind power project if the project owner has executed, before July 1, 2022, a commercial power purchase agreement, or another similar contract, for the sale and purchase of power generated by the project."

Page 6, line 10, after "to" insert "**IC 36-7-4-1109 and**".

Page 6, line 12, delete "submits an initial request" and insert "**files an initial application**".

Page 6, line 16, after "to" insert "**IC 36-7-4-1109 and**".

Page 6, line 19, delete "that submits an initial request" and insert "**that, after June 30, 2022, files an initial application**".

Page 6, line 22, delete "request is" and insert "**application is filed.**".

Page 6, delete line 23.

Page 6, line 29, delete "or".

Page 6, line 30, delete "feed-in-tariff".

Page 6, line 32, delete "A" and insert "**Unless a**".

Page 6, line 33, delete "does not apply to any of the following, unless the standard".

Page 6, line 34, delete "involved:" and insert "**involved, the standard does not:**".

Page 6, line 35, delete "Any" and insert "**apply to any**".

Page 6, line 36, after "the" insert "**permitting,**".

Page 6, line 41, after "pending" insert "**approval or has been approved**".

Page 6, line 42, delete "IC 36-7-4-1109." and insert "**IC 36-7-4-1109;**".

Page 7, line 1, delete "The:" and insert "**affect the:**".

Page 7, between lines 1 and 2, begin a new line double block indented and insert:

"(A) permitting;"

Page 7, line 2, delete "(A)" and insert "**(B)**".

Page 7, line 3, delete "(B)" and insert "**(C)**".

Page 7, line 4, delete "(C)" and insert "**(D)**".



- Page 7, line 5, delete "(D)" and insert "(E)".
- Page 7, line 6, delete "(E)" and insert "(F)".
- Page 7, line 7, delete "(F)" and insert "(G)".
- Page 7, line 9, after "such" insert "**permitting,**".
- Page 7, line 10, delete "decommissioning." and insert "**decommissioning; or**".
- Page 7, line 11, delete "Any:" and insert "**affect any:**".
- Page 7, line 14, after "the" insert "**permitting,**".
- Page 8, line 12, after "the" insert "**permitting,**".
- Page 9, line 21, after "the" insert "**permitting,**".
- Page 9, line 31, after "the" insert "**permitting,**".
- Page 10, line 6, delete "installation" and insert "**permitting, construction, installation,**".
- Page 11, line 20, delete "siting or construction" and insert "**permitting, construction, installation, or siting**".
- Page 15, line 11, delete "(b) and (c)," and insert "**(c) and (d),**".
- Page 15, line 12, after "to" insert "**IC 36-7-4-1109 and**".
- Page 15, line 14, delete "submits an initial request" and insert "**files an initial application**".
- Page 15, line 18, after "to" insert "**IC 36-7-4-1109 and**".
- Page 15, line 21, delete "that submits an initial request" and insert "**that, after June 30, 2022, files an initial application**".
- Page 15, line 24, delete "request is" and insert "**application is filed.**".
- Page 15, delete line 25.
- Page 15, line 32, delete "or feed-in-tariff".
- Page 15, line 34, delete "A" and insert "**Unless a**".
- Page 15, line 35, delete "does not apply to any of the following, unless the standard".
- Page 15, line 36, delete "involved:" and insert "**involved, the standard does not:**".
- Page 15, line 37, delete "Any" and insert "**apply to any**".
- Page 15, line 38, after "the" insert "**permitting,**".
- Page 16, line 1, after "pending" insert "**approval or has been approved**".
- Page 16, line 2, delete "IC 36-7-4-1109." and insert "**IC 36-7-4-1109;**".
- Page 16, line 3, delete "The:" and insert "**affect the:**".
- Page 16, between lines 3 and 4, begin a new line double block indented and insert:
"(A) permitting;".
- Page 16, line 4, delete "(A)" and insert "(B)".



- Page 16, line 5, delete "(B)" and insert "(C)".
- Page 16, line 6, delete "(C)" and insert "(D)".
- Page 16, line 7, delete "(D)" and insert "(E)".
- Page 16, line 8, delete "(E)" and insert "(F)".
- Page 16, line 9, delete "(F)" and insert "(G)".
- Page 16, line 11, after "such" insert "**permitting,**".
- Page 16, line 12, delete "decommissioning." and insert "**decommissioning; or**".
- Page 16, line 13, delete "Any:" and insert "**affect any:**".
- Page 16, line 16, after "the" insert "**permitting,**".
- Page 16, line 28, after "includes" insert "**solar panels,**".
- Page 16, line 35, after "the" insert "**permitting,**".
- Page 17, line 31, after "the" insert "**permitting,**".
- Page 18, line 39, after "the" insert "**permitting,**".
- Page 19, line 14, delete "installation" and insert "**permitting, construction, installation,**".
- Page 19, line 20, delete "system" and insert "**system's solar panels**".
- Page 19, line 31, delete "system" and insert "**system's solar panels**".
- Page 19, line 37, delete "system" and insert "**system's solar panels**".
- Page 19, line 40, delete "system and the" and insert "**system's solar panels and the nonparticipating property owner's property line that faces the CSE system's solar panels. The landscape buffer must be:**".
- Page 19, delete line 41.
- Page 25, line 4, delete "b(2):" and insert "**(b)(2):**".
- Page 25, line 7, delete "electricity;" and insert "**electricity, unless the project owner demonstrates to the permit authority that the project owner is using all commercially reasonable efforts to resume generation;**".

and when so amended that said bill do pass.

(Reference is to SB 411 as reprinted January 28, 2022.)

SOLIDAY

Committee Vote: yeas 10, nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 411, 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 1, delete lines 1 through 15.
- Delete pages 2 through 5.
- Page 6, delete lines 1 through 16.
- Page 6, line 21, delete "(c) and (d)," and insert "**(b) and (c)**".
- Page 6, line 22, delete "the".
- Page 6, delete lines 23 through 28.
- Page 6, line 29, delete "IC 36-7-4-1109 and section 9(b) of this chapter,".
- Page 6, run in lines 22 through 29.
- Page 6, line 36, delete "(c)" and insert "**(b)**".
- Page 7, line 2, delete "(d)" and insert "**(c)**".
- Page 9, line 40, delete "or 1(b)".
- Page 9, line 42, delete "or 1(b)".
- Page 15, line 27, delete "(c) and (d)," and insert "**(b) and (c)**".
- Page 15, line 28, delete "the".
- Page 15, delete lines 29 through 34.
- Page 15, line 35, delete "IC 36-7-4-1109 and section 9(b) of this chapter,".
- Page 15, run in lines 28 through 35.
- Page 15, line 42, delete "(c)" and insert "**(b)**".
- Page 16, line 8, delete "(d)" and insert "**(c)**".
- Page 19, line 10, delete "or 1(b)".
- Page 19, line 12, delete "or 1(b)".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 411 as printed February 15, 2022.)

BROWN T

Committee Vote: yeas 23, nays 0.

ES 411—LS 7174/DI 101



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 411 be amended to read as follows:

Page 1, line 6, delete "9(b) of this chapter, one (1)" and insert "**9 of this chapter, the**".

Page 1, line 7, delete "or more particular".

Page 1, line 8, delete "chapter" and insert "**chapter, or standards less restrictive than the standards set forth in sections 10 through 16 of this chapter,**".

Page 1, line 10, delete "has in effect a wind power" and insert "**qualifies as a wind energy ready community under subsection (d).**".

Page 1, delete lines 11 through 12.

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"(d) As used in this section, "wind energy ready community" means a unit that has voluntarily adopted:

(1) the standards set forth in sections 10 through 16 of this chapter; or

(2) standards less restrictive than the standards set forth in sections 10 through 16 of this chapter."

Page 10, line 32, delete "9(b) of this chapter, one (1)" and insert "**9 of this chapter, the**".

Page 10, line 33, delete "or more particular".

Page 10, line 34, delete "chapter" and insert "**chapter, or standards less restrictive than the standards set forth in sections 10 through 20 of this chapter,**".

Page 10, line 36, delete "has in effect a commercial solar" and insert "**qualifies as a solar energy ready community under subsection (d).**".

Page 10, delete lines 37 through 38.

Page 11, between lines 35 and 36, begin a new paragraph and insert:

"(d) As used in this section, "solar energy ready community" means a unit that has voluntarily adopted:

(1) the standards set forth in sections 10 through 20 of this chapter; or

(2) standards less restrictive than the standards set forth in sections 10 through 20 of this chapter."

(Reference is to ESB 411 as printed February 22, 2022.)

NEGELE

