



March 20, 2025

ENGROSSED SENATE BILL No. 431

DIGEST OF SB 431 (Updated March 20, 2025 10:12 am - DI 101)

Citations Affected: IC 8-1.

Synopsis: Construction of data center by foreign adversary. Provides that after June 30, 2025, a foreign company may not construct or cause to be constructed a data center in Indiana unless the Indiana utility regulatory commission and the Indiana economic development corporation conduct a joint study of the anticipated electricity use of the prospective data center and certify to the governor and the general assembly that the electricity estimated to be used by the data center will be self-generated and will not affect the load supply of the regional transmission organizations whose service territory includes Indiana.

Effective: July 1, 2025.

**Koch, Doriot, Leising, Schmitt,
Baldwin, Deery, Donato, Byrne,
Busch**

(HOUSE SPONSOR — SOLIDAY)

January 13, 2025, read first time and referred to Committee on Utilities.

January 30, 2025, reported favorably — Do Pass.

February 3, 2025, read second time, ordered engrossed. Engrossed.

February 4, 2025, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 3, 2025, read first time and referred to Committee on Utilities, Energy and Telecommunications.

March 20, 2025, amended, reported — Do Pass.

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March 20, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 431

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 8-1-45 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]:

4 **Chapter 45. Data Center Construction by Foreign Adversaries**

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

7 **Sec. 2. As used in this chapter, "company" means any of the**
8 **following:**

- 9 (1) A sole proprietorship.
- 10 (2) An organization.
- 11 (3) An association.
- 12 (4) A corporation.
- 13 (5) A partnership.
- 14 (6) A joint venture.
- 15 (7) A limited partnership.
- 16 (8) A limited liability partnership.
- 17 (9) A limited liability company.

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(10) A business association.

(b) The term includes:

- (1) a wholly owned subsidiary;
- (2) a majority owned subsidiary;
- (3) a parent company; or
- (4) an affiliate;

of an individual, entity, or association described in subsection (a)(1) through (a)(10).

Sec. 3. As used in this chapter, "data center" means a facility:

- (1) the primary services of which are the storage, management, and processing of digital data; and
- (2) that is used to house:
 - (A) computer and network systems, including associated components, such as servers, network equipment and appliances, telecommunications, and data storage systems;
 - (B) systems for monitoring and managing infrastructure performance;
 - (C) Internet related equipment and services;
 - (D) data communications connections;
 - (E) environmental controls;
 - (F) fire protection systems; and
 - (G) security systems and services.

Sec. 4. As used in this chapter, "foreign company" means a company that:

- (1) is at least fifty percent (50%) owned by a foreign adversary (as defined in 15 CFR 791.2); or
- (2) is headquartered in a country with a government that is a foreign adversary (as defined in 15 CFR 791.2).

Sec. 5. As used in this chapter, "MISO" refers to the regional transmission organization known as the Midcontinent Independent System Operator, Inc.

Sec. 6. As used in this chapter, "PJM" refers to the regional transmission organization known as PJM Interconnection, LLC.

Sec. 7. Notwithstanding any other law, after June 30, 2025, a foreign company may not construct or cause to be constructed a data center in Indiana unless the commission and the Indiana economic development corporation conduct a joint study of the anticipated electricity use of the prospective data center and certify to the governor and the general assembly that the electricity estimated to be used by the data center will be self-generated and will not affect the load supply of MISO or PJM.



COMMITTEE REPORT

Mr. President: The Senate Committee on Utilities, to which was referred Senate Bill No. 431, 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 431 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 431, 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 2, line 25, delete "fifty-one percent (51%)" and insert "**fifty percent (50%)**".

and when so amended that said bill do pass.

(Reference is to SB 431 as printed January 31, 2025.)

SOLIDAY

Committee Vote: yeas 12, nays 0.

