

State Legislative Update

January 20, 2023

GENERAL LEGISLATIVE INFORMATION

- The second full week of the 16 week 2023 “long” legislative session came to a close on Thursday. It was a busy week as committees began to meet in earnest. To date, approximately 1,150 bills have been introduced for consideration.
- US Congressman Jim Banks (CD 3) officially threw his hat into the ring to run for the US Senate seat being vacated by current US Senator Mike Braun, who has announced his plans to run for Indiana Governor, an office currently held by term-limited Governor Eric Holcomb! Additionally, Current Indiana Lt. Governor Suzanne Crouch has officially announced her candidacy for the Governor’s Office, while State Senator Andy Zay announced this week that he is exploring a run for the 3rd Congressional seat that will be open due to Congressman Banks running for the US Senate! Whew! Stay tuned as all of this takes shape in the coming weeks and months.
- On the utility and energy fronts, several bills of interest have been introduced and we will be reviewing and watching those closely. There are bills pertaining to electric reliability, electric generation, battery storage, electric transmission facilities, small nuclear reactors, natural gas, and water/sewer utilities and infrastructure. We will be watching other areas of interest, as well, such as economic development, environment, and all things local government.
- This week, the Senate Utilities Committee held its first meeting of the session, hearing and approving Senate Bills 33 and 221. Both bills now head to the full Senate for consideration.
 - SB 33 directs the Indiana Department of Environmental Management (IDEM) and the Indiana Utility Regulatory Commission (IURC) to conduct a joint study concerning decommissioning and disposal of solar panels. One amendment was adopted that adds wind power devices in addition to solar panels. IDEM and the IURC are required to report findings and recommendations to the Legislative Council no later than November 1, 2023.
 - Senate Bill 221 requires the Indiana Department of Administration to issue a request for proposals and award a contract for the conduct of an energy audit on the following: (1) Indiana state capitol building; and (2) Indiana government center north and south buildings. The RFP must be issued no later than December 31, 2023. Because SB 221 would have future costs to the state, the measure was recommitted to the Senate Appropriations Committee. As introduced, SB 221 contained additional language that would have required the Interim Study Committee on Energy, Utilities and Telecommunications to determine the feasibility of creating an Indiana strategic coal reserve to try and protect utility customers from future increases in energy rates. That language was deleted.

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- Over in the House, The House Energy, Utilities and Telecommunications Committee also held its first meeting of the session. House Bill 1173 was on tap. HB 1173 concerns utility scale battery storage systems. This measure seeks to establish some ground rules for the construction of battery storage facilities, names the IN Department of Homeland Security as the appropriate state agency to oversee these, requires fire protection training for fire department personnel throughout the state where these storage facilities could be located, and specifies spacing standards and capacity of batteries that can be contained in enclosures. HB 1173 is a work in progress and will be brought back to the committee for a vote in the next couple of weeks.
- Senate Bill 241 was approved by the Senate Homeland Security and Transportation Committee this week. This measure requires the Bureau of Motor Vehicles (BMV) to submit a report annually to the Indiana Utility Regulatory Commission (IURC) that includes information regarding the number of electric vehicles registered by county in Indiana.
- On the local government front, the Senate Local Government Committee met this week and heard a perennial annexation bill, Senate Bill 219. SB 219 as introduced is largely the same as past sessions. The bill requires a municipality that initiates an annexation to file with the court an annexation petition approved by the signatures of at least 51% of the owners of non-tax exempt land in the annexation territory or the owners of at least 75% in assessed valuation of non-tax exempt land in the annexation territory. It requires the court to hold a hearing if the petition has enough signatures and adds provisions for determining the validity of those signatures. Additionally, the bill eliminates remonstrances and remonstrance waivers, the reimbursement of remonstrator's attorney's fees and costs, and the eliminates the adoption of a fiscal plan for voluntary annexations requested by 100% of landowners in the annexation territory. The bill passed out of committee by a vote of 6-4. SB 219's fate is uncertain going forward.
- All legislative business, by statute, must be completed by midnight on April 29th. At this point, the General Assembly hopes to finish its work by April 27th. We will be keeping a keen eye on all legislation that could have an impact on IMPA and Indiana's municipal electric utilities.
- All committee and Floor activities for the IN General Assembly can be accessed online at www.iga.in.gov.
- Please find the IMPA/Municipal Electric Bill Track at <https://bit.ly/3wjOcQl>.

