

IC 4-3-23.1 Chapter 23.1. Commercial Solar and Wind Energy Ready Communities

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IC 4-3-23.1-1 "Center"

Sec. 1. As used in this chapter, "center" refers to the commercial solar and wind energy ready communities development center that may be established under section 12 of this chapter.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-2 "Commercial solar project"

Sec. 2. As used in this chapter, "commercial solar project" means a project involving the construction, installation, siting, modification, operation, or decommissioning of one (1) or more commercial solar energy systems (as defined in IC 8-1-42-2) in a unit.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-3 "Commercial solar regulation"

Sec. 3. As used in this chapter, "commercial solar regulation" has the meaning set forth in IC 8-1-42-3.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-4 "Fund"

Sec. 4. As used in this chapter, "fund" refers to the commercial solar and wind energy ready communities incentive fund described in section 16 of this chapter.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-5 "Office"

Sec. 5. As used in this chapter, "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-6 "Permit"

Sec. 6. As used in this chapter, "permit", with respect to a project, means any state or local permit, license, certificate, approval, registration, or similar form of approval required by statute, administrative rule, regulation (including a commercial solar regulation or a wind power regulation), ordinance, or resolution.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-6.5 "Permit authority"

Sec. 6.5. As used in this chapter, "permit authority" has the meaning set forth in:

- (1) IC 8-1-41-4, in the case of a wind power project; or
- (2) IC 8-1-42-6, in the case of a commercial solar project.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-7 "Project"

Sec. 7. As used in this chapter, "project" refers to:

- (1) a wind power project; or
- (2) a commercial solar project.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-8 "Project owner"

Sec. 8. As used in this chapter, "project owner" has the meaning set forth in:

- (1) IC 8-1-41-5, in the case of a wind power project; or
- (2) IC 8-1-42-7, in the case of a commercial solar project.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-9 "Unit"

Sec. 9. As used in this chapter, "unit" means a county or a municipality, as specified in:

- (1) IC 8-1-41-6, in the case of a wind power project; or
- (2) IC 8-1-42-8, in the case of a commercial solar project.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-10 "Wind power project"

Sec. 10. As used in this chapter, "wind power project" means a project involving the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices (as defined in IC 8-1-41-7) in a unit.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-11 "Wind power regulation"

Sec. 11. As used in this chapter, "wind power regulation" has the meaning set forth in IC 8-1-41-8.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-12 Commercial solar and wind energy ready communities development center; authorization for establishment; duties if established; program to certify units as commercial solar energy ready or wind energy ready communities

Sec. 12. (a) The commercial solar and wind energy ready communities development center may be established within the office. If established, the center shall have the following duties:

- (1) Providing comprehensive information concerning permits required for projects and related business activities in Indiana, and making the information available and easily accessible to:
 - (A) project owners;

- (B) state and local government offices, departments, and administrative entities; and
- (C) the public.

(2) Working with permit authorities to encourage the timely and efficient issuance of permits and the resolution of related issues.

(b) The center, if established, may create and administer:

(1) a program for the certification of units as commercial solar energy ready communities under section 13 of this chapter; and

(2) a program for the certification of units as wind energy ready communities under section 14 of this chapter.

As added by P.L.50-2023, SEC.1.

**IC 4-3-23.1-13 Certification as commercial solar energy ready community;
application to office; determinations for certification; financial
incentive for certified unit; annual reporting of energy
generated**

Sec. 13. (a) A unit may apply to the office for certification as a commercial solar energy ready community. The application must be in a form and manner prescribed by the office. The office may approve an application and certify a unit as a commercial solar energy ready community if the office determines the following:

(1) That the unit has adopted a commercial solar regulation that includes clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more commercial solar energy systems (as defined in IC 8-1-42-2) in the unit.

(2) That the unit's commercial solar regulation:

(A) includes standards that are not more restrictive, directly or indirectly, than the default standards for commercial solar energy systems set forth in IC 8-1-42;

(B) provides a clear and transparent process for project owners to identify potential commercial solar project sites;

(C) does not unreasonably eliminate portions of the unit as sites for commercial solar projects;

(D) provides for a fair review and approval process for proposed commercial solar projects, including final approval that cannot be revoked; and

(E) includes a specific plan for using any funds from an incentive granted by the office under subsection (b):

(i) for economic development purposes within or near the commercial solar project's footprint; or

(ii) to otherwise benefit residents and businesses within or near the commercial solar project's footprint.

(3) That the unit has demonstrated a commitment to maintain:

(A) the standards and procedural framework set forth in the unit's commercial solar regulation; and

(B) all applicable zoning, land use, and planning regulations;

with respect to any particular commercial solar project that is approved under the unit's commercial solar regulation, for a period of at least ten (10) years, beginning with the start date of the commercial solar project's full commercial operation.

(b) If:

(1) a unit receives certification as a commercial solar energy ready community by the office under this section;

(2) after the unit's certification, a project owner constructs a commercial solar project in the unit; and

(3) the fund is established and there is a sufficient balance in the fund;

the office may authorize the unit to receive from the fund, for a period of ten (10) years beginning with the start date of the commercial solar project's full commercial operation, one

dollar (\$1) per megawatt hour of electricity generated by the commercial solar project, if the office determines that the procedures and standards set forth in the unit's commercial solar regulation were adhered to in the development of the project. However, if the office determines at any time after the start of the commercial solar project's full commercial operation that the unit has failed to continue to meet the requirement for certification set forth in subsection (a)(3), the office shall discontinue the incentive granted under this subsection and shall require the unit to return to the fund any amounts collected by the unit under this subsection after the unit's breach of the requirement for certification set forth in subsection (a)(3).

(c) After:

- (1) a unit receives certification as a commercial solar energy ready community under this section; and
- (2) a project owner constructs a commercial solar energy facility that qualifies the unit to receive the incentive payments under subsection (b);

the project owner shall annually report to the office the total megawatt hours generated by the commercial solar energy facility in the previous year.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-14 Certification as wind energy ready community; application to office; determinations for certification; financial incentive for certified unit; annual reporting of energy generated

Sec. 14. (a) A unit may apply to the office for certification as a wind energy ready community. The application must be in a form and manner prescribed by the office. The office may approve an application and certify a unit as a wind energy ready community if the office determines the following:

- (1) That the unit has adopted a wind power regulation that includes clear standards for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices (as defined in IC 8-1-41-7) in the unit.
- (2) That the unit's wind power regulation:
 - (A) includes standards that are not more restrictive, directly or indirectly, than the default standards for wind power devices set forth in IC 8-1-41;
 - (B) provides a clear and transparent process for project owners to identify potential wind power project sites;
 - (C) does not unreasonably eliminate portions of the unit as sites for wind power projects;
 - (D) provides for a fair review and approval process for proposed wind power projects, including final approval that cannot be revoked; and
 - (E) includes a specific plan for using any funds from an incentive granted by the office under subsection (b):
 - (i) for economic development purposes within or near the wind power project's footprint; or
 - (ii) to otherwise benefit residents and businesses within or near the wind power project's footprint.
- (3) That the unit has demonstrated a commitment to maintain:
 - (A) the standards and procedural framework set forth in the unit's wind power regulation; and
 - (B) all applicable zoning, land use, and planning regulations;with respect to any particular wind power project that is approved under the unit's commercial solar regulation, for a period of at least ten (10) years, beginning with the start date of the wind power project's full commercial operation.

(b) If:

- (1) a unit receives certification as a wind energy ready community by the office under this section;

(2) after the unit's certification, a project owner constructs a wind power project in the unit; and

(3) the fund is established and there is a sufficient balance in the fund;

the office may authorize the unit to receive from the fund, for a period of ten (10) years beginning with the start date of the wind power project's full commercial operation, one dollar (\$1) per megawatt hour of electricity generated by the wind power project, if the office determines that the procedures and standards set forth in the unit's wind power regulation were adhered to in the development of the project. However, if the office determines at any time after the start of the wind power project's full commercial operation that the unit has failed to continue to meet the requirement for certification set forth in subsection (a)(3), the office shall discontinue the incentive granted under this subsection and shall require the unit to return to the fund any amounts collected by the unit under this subsection after the unit's breach of the requirement for certification set forth in subsection (a)(3).

(c) After:

(1) a unit receives certification as a wind energy ready community under this section; and

(2) a project owner constructs a wind energy facility that qualifies the unit to receive the incentive under subsection (b);

the project owner shall annually report to the office the total megawatt hours generated by the wind energy facility in the previous year.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-15 Certification as both a commercial solar energy ready community and a wind energy ready community

Sec. 15. A unit may be certified as both:

(1) a commercial solar energy ready community under section 13 of this chapter; and

(2) a wind energy ready community under section 14 of this chapter;

if the unit meets the requirements for certification set forth in both sections 13 and 14 of this chapter.

As added by P.L.50-2023, SEC.1.

IC 4-3-23.1-16 Commercial solar and wind energy ready communities incentive fund; authorization to establish; purpose; administration by office; source of funds

Sec. 16. (a) The commercial solar and wind energy ready communities incentive fund may be established by the office for the purpose of:

(1) providing payments to commercial solar energy ready communities under section 13(b) of this chapter; and

(2) providing payments to wind energy ready communities under section 14(b) of this chapter.

(b) The fund, if established, shall be administered by the office.

(c) The fund, if established, shall consist of:

(1) grants, gifts, and donations intended for deposit in the fund;

(2) federal funds;

(3) interest that accrues from money in the fund; and

(4) any amounts returned to the fund by units under section 13(b) or 14(b) of this chapter.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

As added by P.L.50-2023, SEC.1.