HOUSE BILL No. 1381
AM138102 has been incorporated into introduced printing.

Synopsis: Commercial wind and solar standards and siting.
HOUSE BILL No. 1381

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-1-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 41. Default Standards for Wind Power Devices
Sec. 1. (a) This chapter applies to a project owner that, after June 30, 2021, seeks to install or locate one (1) or more wind power devices in a unit that:
(1) has not adopted a wind power regulation; or
(2) has:
   (A) adopted a wind power regulation that includes standards that are more restrictive, directly or indirectly, than the standards set forth in this chapter; and
   (B) failed to amend the wind power regulation as required by IC 36-1-3-8.7(g).

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(b) Subject to a unit's planning and zoning powers under IC 36-7, this chapter does not apply to a property owner who seeks to install a wind power device on the property owner's premises for the purpose of generating electricity to meet or offset all or part of the need for electricity on the premises, whether through distributed generation, participation in a net metering or feed-in tariff program offered by an electricity supplier (as defined in IC 8-1-40-4), or otherwise.

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

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

1. that is not owned by a project owner; and
2. with respect to which:
   A. the project owner does not seek:
      i. to install or locate one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
      ii. to otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;
   B. the owner of the property does not consent:
      i. to having one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
      ii. to otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.

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

Sec. 4. (a) As used in this chapter, "permit authority" means:
(1) a unit; or
(2) a board, a commission, or any other governing body of a
unit;
that makes legislative or administrative decisions concerning the
construction, installation, siting, modification, operation, or
decommissioning of wind power devices in the unit.
(b) The term does not include:
(1) the state or any of its agencies, departments, boards,
commissions, authorities, or instrumentalities; or
(2) a court or other judicial body that reviews decisions or
rulings made by a permit authority.
Sec. 5. (a) As used in this chapter, "project owner" means a
person that:
(1) will own one (1) or more wind power devices proposed to
be located in a unit; or
(2) owns one (1) or more wind power devices located in a
unit.
(b) The term includes an agent or a representative of a person
described in subsection (a).
Sec. 6. (a) As used in this chapter, "unit" refers to:
(1) a county, if a project owner, as part of a single wind
power project or development, seeks to locate one (1) or
more wind power devices:
(A) entirely within unincorporated areas of the county;
(B) within both unincorporated areas of the county and
one (1) or more municipalities within the county; or
(C) entirely within two (2) or more municipalities within
the county; or
(2) a municipality, if:
(A) a project owner, as part of a single wind power
project or development, seeks to locate one (1) or more
wind power devices entirely within the boundaries of the
municipality; and
(B) subdivision (1)(B) or (1)(C) does not apply.
(b) The term refers to:
(1) each county described in subsection (a)(1) in which a
project owner seeks to locate one (1) or more wind power
devices, if the project owner seeks to locate wind power
devices in more than one (1) county as part of a single wind
power project or development; and
(2) each municipality described in subsection (a)(2) in which
a project owner seeks to locate one (1) or more wind power
devices, if the project owner seeks to locate wind power
devices in two (2) or more municipalities, each of which is
located in a different county.

Sec. 7. As used in this chapter, "wind power device" means a
device, including a windmill or a wind turbine, that is designed to
use the kinetic energy of moving air to provide mechanical energy
or to produce electricity.

Sec. 8. As used in this chapter, "wind power regulation" refers
to any ordinance or regulation, including any:

(1) zoning or land use ordinance or regulation; or
(2) general or specific planning ordinance or regulation;
that is adopted by a unit and that concerns the construction,
installation, siting, modification, operation, or decommissioning of
wind power devices in the unit.

Sec. 9. (a) Except as provided in subsection (d), the standards
set forth in sections 10 through 14 of this chapter apply with
respect to any proposal by a project owner to install or locate one
(1) or more wind power devices in a unit described in section 1(a)
of this chapter. The permit authority for a unit described in section
1(a)(1) of this chapter may not, directly or indirectly, restrict, or
impose conditions or limitations on, the construction, installation,
siting, modification, operation, or decommissioning of one (1) or
more wind power devices in the unit unless the unit first adopts a
wind power regulation, as required by IC 36-1-3-8.7(f)(1). However, in no case may any unit impose standards, whether by
regulation or otherwise, that:

(1) concern the construction, installation, siting,
modification, operation, or decommissioning of wind power
devices in the unit; and
(2) are more restrictive, directly or indirectly, than the
standards set forth in this chapter;

as provided in IC 36-1-3-8.7(f)(3).
(b) Except as provided in:

(1) subsection (a);
(2) IC 36-1-3-8.7; and
(3) IC 36-7-5.3;
this chapter does not otherwise affect a unit's planning and zoning
powers under IC 36-7 with respect to the installation or siting of
one (1) or more wind power devices in the unit.

(c) A permit authority for a unit described in section 1(a) of
this chapter is responsible for enforcing compliance with:

(1) this chapter;
(2) IC 36-7-5.3; and
(3) in the case of a unit described in section 1(a)(2) of this chapter, any part of the unit's wind power regulation, to the extent such part is not:
   (A) more restrictive than this chapter; or
   (B) inconsistent with IC 36-7-5.3.
(d) A unit may:
(1) adopt and enforce a wind power regulation that includes standards that:
   (A) concern the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit; and
   (B) are less restrictive than the standards set forth in this chapter; or
(2) waive or make less restrictive any standard set forth in:
   (A) this chapter; or
   (B) a wind power regulation adopted by the unit in compliance with IC 36-1-3-8.7(f)(3);
with respect to any one (1) wind power device, subject to the consent of each owner of property on which, or adjacent to where, the particular wind power device will be located.
Sec. 10. (a) Subject to subsection (f), and except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to:
(1) the centerline of any:
   (A) runway located on a public use airport, private use airport, or municipal airport;
   (B) public use highway, street, or road; or
   (C) railroad easement or right-of-way; or
(2) the property line of any nonparticipating property;
is equal to a distance that is at least one and one-tenth (1.1) times the wind power device's blade tip height, as measured from the ground to the tip of the blade.
(b) Subject to subsection (f), and except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property is equal to a distance that is at least three (3) times the wind power device's
blade tip height, as measured from the ground to the tip of the blade.

(c) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the nearest edge of the right-of-way for any utility transmission or distribution line is equal to a distance that is at least one and two-tenths (1.2) times the wind power device's blade tip height, as measured from the ground to the tip of the blade.

(d) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the property line of any undeveloped land within the unit that is zoned or platted for residential use is equal to a distance that is at least two (2) times the wind power device's blade tip height, as measured from the ground to the tip of the blade.

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

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

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

(1) the project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device; and
(2) the wind power device has been designed such that industry standard computer modeling indicates that any dwelling on a nonparticipating property within the unit will not experience more than thirty (30) hours per year of

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shadow flicker under planned operating conditions for the wind power device.

(b) After a project owner installs or locates a wind power device in a unit, as authorized by the permit authority in accordance with this chapter and IC 36-7-5.3, the project owner shall work with the owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable.

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

Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, a wind power device installed in a unit must not interfere with:

(1) television signals;
(2) microwave signals;
(3) agricultural global positioning systems;
(4) military defense radar; or
(5) radio reception.

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

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

Sec. 14. (a) Subject to subsection (b), and except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device in a unit unless the project owner submits to the permit authority the decommissioning and site restoration plan required by IC 36-7-5.3-9(a)(9), and posts a surety bond, or an equivalent means of security acceptable to the permit authority, including a parent company guarantee or an irrevocable letter of credit, in an amount equal to the estimated cost of decommissioning the wind power device, as calculated by a third party licensed or registered engineer, or by another person with suitable experience in the decommissioning of wind power devices, as agreed upon by the project owner and the permit authority. The
required bond or other security shall be posted in increments such that the total amount of the bond or security posted is as follows:

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

(A) fifth anniversary; and
(B) tenth anniversary;

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

(2) An amount equal to fifty percent (50%) of the total estimated decommissioning costs not later than the fifteenth anniversary of the start date of the wind power device's full commercial operation. For purposes of this subdivision, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices, as agreed upon by the project owner and the permit authority) before the fifteenth anniversary of the start date of the wind power device's full commercial operation, and the total amount of the bond or security posted under this subdivision shall be adjusted as necessary after the reevaluation.

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

(A) before the twentieth anniversary of the start date of the wind power device's full commercial operation; and
(B) upon every succeeding five (5) year period after the
twentieth anniversary of the start date of the wind
power device's full commercial operation;
and the total amount of the bond or security posted under
this subdivision shall be adjusted as necessary after each
reevaluation.

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

SECTION 2. IC 8-1-42 IS ADDED TO THE INDIANA CODE AS
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
PASSAGE]:

Chapter 42. Default Standards for Commercial Solar Energy
Systems

Sec. 1. (a) This chapter applies to a project owner that, after
June 30, 2021, seeks to install or locate one (1) or more commercial
solar energy systems in a unit that:
(1) has not adopted a commercial solar regulation; or
(2) has:
   (A) adopted a commercial solar regulation that includes
 standards that are more restrictive, directly or
 indirectly, than the standards set forth in this chapter;
 and
   (B) failed to amend the commercial solar regulation as
 required by IC 36-1-3-8.8(g).

(b) Subject to a unit's planning and zoning powers under
IC 36-7, this chapter does not apply to a property owner who seeks
to install a solar energy device (as defined in IC 32-23-4-3) on the
property owner's premises for the purpose of generating electricity
to meet or offset all or part of the need for electricity on the
premises, whether through distributed generation, participation in
a net metering or feed-in tariff program offered by an electricity
supplier (as defined in IC 8-1-40-4), or otherwise.

Sec. 2. (a) As used in this chapter, "commercial solar energy
system", or "CSE system", means a system that:
(1) has a nameplate capacity of at least ten (10) megawatts;
 and
(2) captures and converts solar energy into electricity:
   (A) for the purpose of selling the electricity at wholesale;
   and
   (B) for use in locations other than where it is generated.
(b) The term includes collection and feeder lines, substations, ancillary buildings, solar monitoring stations, and accessory equipment or structures.

Sec. 3. As used in this chapter, "commercial solar regulation" refers to any ordinance or regulation, including any:
   (1) zoning or land use ordinance or regulation; or
   (2) general or specific planning ordinance or regulation; that is adopted by a unit and that concerns the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit.

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

Sec. 5. (a) As used in this chapter, "nonparticipating property" means a lot or parcel of real property:
   (1) that is not owned by a project owner; and
   (2) with respect to which:
      (A) the project owner does not seek:
         (i) to install or locate one (1) or more CSE systems or other facilities related to a CSE system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
         (ii) to otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a CSE system project; or
      (B) the owner of the property does not consent:
         (i) to having one (1) or more CSE systems or other facilities related to a CSE system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
         (ii) to otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a CSE system project.
Sec. 6. (a) As used in this chapter, "permit authority" means:

(1) a unit; or

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

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

(b) The term does not include:

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

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

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

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

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

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

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

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

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

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

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

(2) a municipality, if:

(A) a project owner, as part of a single CSE system project or development, seeks to locate one (1) or more CSE systems entirely within the boundaries of the municipality; and

(B) subdivision (1)(B) or (1)(C) does not apply.

(b) The term refers to:

(1) each county described in subsection (a)(1) in which a project owner seeks to locate one (1) or more CSE systems,
if the project owner seeks to locate CSE systems in more
than one (1) county as part of a single CSE system project or
development; and
(2) each municipality described in subsection (a)(2) in which
a project owner seeks to locate one (1) or more CSE systems,
if the project owner seeks to locate CSE systems in two (2) or
more municipalities, each of which is located in a different
county.
Sec. 9. (a) Except as provided in subsection (d), the standards
set forth in sections 10 through 19 of this chapter apply with
respect to any proposal by a project owner to install or locate one
(1) or more CSE systems in a unit described in section 1(a) of this
chapter. The permit authority for a unit described in section
1(a)(1) of this chapter may not, directly or indirectly, restrict, or
impose conditions or limitations on, the construction, installation,
siting, modification, operation, or decommissioning of one (1) or
more CSE systems in the unit unless the unit first adopts a
commercial solar regulation, as required by IC 36-1-3-8.8(f)(1).
However, in no case may any unit impose standards, whether by
regulation or otherwise, that:
(1) concern the construction, installation, siting,
modification, operation, or decommissioning of CSE systems
in the unit; and
(2) are more restrictive, directly or indirectly, than the
standards set forth in this chapter;
as provided in IC 36-1-3-8.8(f)(3).
(b) Except as provided in:
(1) subsection (a);
(2) IC 36-1-3-8.8; and
(3) IC 36-7-5.4;
the chapter does not otherwise affect a unit's planning and zoning
powers under IC 36-7 with respect to the installation or siting of
one (1) or more CSE systems in the unit.
(c) A permit authority for a unit described in section 1(a) of
this chapter is responsible for enforcing compliance with:
(1) this chapter;
(2) IC 36-7-5.4; and
(3) in the case of a unit described in section 1(a)(2) of this
chapter, any part of the unit's commercial solar regulation,
to the extent such part is not:
(A) more restrictive than this chapter; or
(B) inconsistent with IC 36-7-5.4.
(d) A unit may:
   (1) adopt and enforce a commercial solar regulation that includes standards that:
       (A) concern the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit; and
       (B) are less restrictive than the standards set forth in this chapter; or
   (2) waive or make less restrictive any standard set forth in:
       (A) this chapter; or
       (B) a commercial solar regulation adopted by the unit in compliance with IC 36-1-3-8.8(f)(3);
   with respect to any one (1) CSE system, subject to the consent of each owner of property on which, or adjacent to where, the particular CSE system will be located.

Sec. 10. (a) Subject to subsection (d), and except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a CSE system on property in a unit unless the distance, measured as a straight line, from the nearest outer edge of the CSE system to:
   (1) the nearest edge of the right-of-way for any:
       (A) federal interstate highway, federal highway, state highway, or county highway is at least forty (40) feet;
       (B) collector road is at least thirty (30) feet; or
       (C) local road is at least ten (10) feet; or
   (2) the property line of any nonparticipating property is at least fifty (50) feet.

(b) Subject to subsection (d), and except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a CSE system on property in a unit unless the distance, measured as a straight line, from the nearest outer edge of the CSE system to the nearest point on the outer wall of a dwelling located on a nonparticipating property is at least one hundred fifty (150) feet.

(c) Subject to subsection (d), and except as otherwise allowed by IC 36-7-4-1109, if a project owner installs a CSE system within a distance of two hundred fifty (250) feet, measured as a straight line, from the nearest outer edge of the CSE system to the nearest point on the outer wall of a dwelling located on a nonparticipating property, the project owner shall install a landscape buffer in the area between the nearest outer edge of the CSE system and the outer wall of the dwelling located on the nonparticipating property:
(1) in a location; and
(2) constructed from such materials;
as set forth in a plan submitted to the unit in the application
required under IC 36-7-5.4-9 during the permitting and approval
process for the CSE system.
(d) Except as otherwise allowed by IC 36-7-4-1109, a project
owner may not install or locate a CSE system on property in a unit
unless the height of the CSE system is not more than twenty-five
(25) feet above ground level when the CSE system's arrays are at
full tilt. However, a permit authority or a unit may not impose a
clearance requirement between the ground and the bottom edge of
a CSE system's solar panels.
(e) The:
(1) distance requirements set forth in subsection (a)(2) and
subsection (b); and
(2) requirement for the installation of a landscape buffer set
forth in subsection (c);
may be waived with respect to the siting of any one (1) CSE system,
subject to the written consent of the owner of each affected
nonparticipating property.
Sec. 11. Except as otherwise allowed by IC 36-7-4-1109, if a
project owner installs a CSE system in a unit, the project owner
shall:
(1) plant;
(2) establish; and
(3) maintain for the life of the CSE system;
perennial vegetated ground cover on the ground around and under
solar panels, and in project site buffer areas. The use of pollinator
seed mixes in the planting of ground cover required by this section
is encouraged. Maintenance shall be performed in a manner
designed to eradicate noxious weeds.
Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, if a
project owner installs a CSE system in a unit, the project owner
shall completely enclose the CSE system with fencing that is at
least six (6) feet high.
Sec. 13. Except as otherwise allowed by IC 36-7-4-1109, if a
project owner installs a CSE system in a unit, all cables of up to
thirty-four and one-half (34.5) kilovolts that are located between
inverter locations and project substations shall be located and
maintained underground. Other solar infrastructure, such as
module-to-module collection cables, transmission lines, substations,
junction boxes, and other typical aboveground infrastructure may
be located and maintained above ground. Buried cables shall be at
a depth of at least thirty-six (36) inches below grade or, if
necessitated by onsite conditions, at a greater depth. Cables and
lines located outside of the CSE system project site may be located
above ground or may be buried underground at a depth of at least
thirty-six (36) inches below grade.

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

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

Sec. 15. Except as otherwise allowed by IC 36-7-4-1109, a CSE
system installed in a unit must not interfere with:

   (1) television signals;
   (2) microwave signals;
   (3) agricultural global positioning systems;
   (4) military defense radar; or
   (5) radio reception.

Sec. 16. (a) Subject to subsection (b), and except as otherwise
allowed by IC 36-7-4-1109, a project owner may not install or
locate a CSE system in a unit unless the project owner
demonstrates to the permit authority that the CSE system will
operate in a manner such that the sound attributable to the CSE
system will not exceed an hourly average sound level of sixty (60)
A-weighted decibels, as modeled at the outer wall of a dwelling
located on an adjacent nonparticipating property.

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

Sec. 17. (a) Subject to subsection (b), and except as otherwise
allowed by IC 36-7-4-1109, a project owner may not install or
locate a CSE system in a unit unless the project owner submits to
the permit authority the decommissioning and site restoration plan
required by IC 36-7-5.4-9(a)(9), and posts a surety bond, or an
equivalent means of security acceptable to the permit authority,
including a parent company guarantee or an irrevocable letter of
credit, in an amount equal to the estimated cost of
decommissioning the CSE system, as calculated by a third party
licensed or registered engineer or by another person with suitable
experience in the decommissioning of CSE systems, as agreed upon
by the project owner and the permit authority. The required bond
or other security shall be posted in increments such that the total
amount of the bond or security posted is as follows:

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

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

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

(A) before the tenth anniversary of the start date of the CSE system's full commercial operation; and

(B) upon every succeeding five (5) year period after the tenth anniversary of the start date of the CSE system's full commercial operation;

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

(b) For purposes of this section, the estimated cost of decommissioning a CSE system, as calculated by a licensed or registered professional engineer (or by another person with suitable experience in the decommissioning of CSE systems, as agreed upon by the project owner and the permit authority), shall be the net of any estimated salvage value attributable to the CSE system at the time of decommissioning, unless the unit and the project owner agree to include any such value in the estimated cost.

(c) A project owner shall provide to the permit authority written notice of the project owner's intent to decommission a CSE system not later than sixty (60) days before the discontinuation of commercial operation by the CSE system. Except as provided in subsection (e), after the discontinuation of commercial operation by the CSE system, and as part of the decommissioning process:

(1) all structures, foundations, roads, gravel areas, and cables associated with the project shall be removed to a depth of at least thirty-six (36) inches below grade; and
(2) the ground shall be restored to a condition reasonably similar to its condition before the start of construction activities in connection with the CSE system project.

(d) Except as provided in subsection (e), if the project owner fails to remove all CSE system project assets not later than one (1) year after the proposed date of final decommissioning, as set forth in the notice to the permit authority under subsection (c), the permit authority may engage qualified contractors to:

(1) enter the project site;
(2) remove the CSE system project assets;
(3) sell any assets removed; and
(4) remediate the site;

and may initiate proceedings to recover any costs incurred.

(e) Project assets may remain in place after decommissioning is complete if:

(1) the location and condition of the assets are in conformance with local regulations at the time of decommissioning; and
(2) the written consent of the landowner is obtained.

Sec. 18. (a) If a CSE system installed in a unit does not generate electricity for eighteen (18) consecutive months:

(1) the CSE system is considered abandoned as of the date that is five hundred forty (540) days after the date on which the CSE system last generated electricity; and
(2) all CSE system project assets shall be removed in accordance with section 17(c) of this chapter not later than one (1) year after the date of abandonment specified in subdivision (1).

(b) In the case of abandonment, as described in subsection (a), if the project owner fails to remove the CSE system project assets not later than one (1) year after the date of abandonment, as required by subsection (a)(2), the permit authority may engage qualified contractors to:

(1) enter the project site;
(2) remove the CSE system project assets;
(3) sell any assets removed; and
(4) remediate the site;

and may initiate proceedings to recover any costs incurred.

Sec. 19. (a) As used in this section, "force majeure event" includes the following:

(1) Fire, flood, tornado, or other natural disasters or acts of God.
(2) War, civil strife, a terrorist attack, or other similar acts of violence.

(3) Other unforeseen events or events over which a project owner has no control.

(b) If a force majeure event results in a CSE system not generating electricity, the project owner shall:

(1) as soon as practicable after the occurrence of the force majeure event, provide notice to the permit authority of the event and of the resulting cessation of generating operations; and

(2) demonstrate to the permit authority that the CSE system will be substantially operational and generating electricity not later than twelve (12) months after the occurrence of the force majeure event.

(c) If the CSE system does not become substantially operational and resume generating electricity within the time set forth in subdivision (2):

(1) the CSE system is considered abandoned as of the date that is three hundred sixty-five (365) days after the date on which the CSE system last generated electricity; and

(2) all CSE system project assets shall be removed in accordance with section 17(c) of this chapter not later than one (1) year after the date of abandonment specified in subdivision (1).

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

(1) enter the project site;

(2) remove the CSE system project assets;

(3) sell any assets removed; and

(4) remediate the site;

and may initiate proceedings to recover any costs incurred.

SECTION 3. IC 36-1-3-8, AS AMENDED BY P.L.19-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.
(3) The power to impose duties on another political subdivision, except as expressly granted by statute.
(4) The power to impose a tax, except as expressly granted by statute.
(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.
(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.
(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.
(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.
(9) The power to prescribe a penalty of imprisonment for an ordinance violation.
(10) The power to prescribe a penalty of a fine as follows:
    (A) More than ten thousand dollars ($10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.
    (B) For a violation of any other ordinance:
        (i) more than two thousand five hundred dollars ($2,500) for a first violation of the ordinance; and
        (ii) except as provided in subsection (c), more than seven thousand five hundred dollars ($7,500) for a second or subsequent violation of the ordinance.
(11) The power to invest money, except as expressly granted by statute.
(12) The power to order or conduct an election, except as expressly granted by statute.
(13) The power to adopt or enforce an ordinance described in section 8.5 of this chapter.
(14) The power to take any action prohibited by section 8.6 of this chapter.
(15) The power to directly or indirectly restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices in the unit, except as allowed under section 8.7 of this chapter.
(16) The power to directly or indirectly restrict, or impose conditions or limitations on, the construction, installation,
siting, modification, operation, or decommissioning of one (1)
or more commercial solar energy systems in the unit, except
as allowed under section 8.8 of this chapter.

(17) The power to dissolve a political subdivision, except:
(A) as expressly granted by statute; or
(B) if IC 36-1-8-17.7 applies to the political subdivision, in
accordance with the procedure set forth in IC 36-1-8-17.7.

(18) After June 30, 2019, the power to enact an ordinance
requiring a solid waste hauler or a person who operates a vehicle
in which recyclable material is transported for recycling to
collect fees authorized by IC 13-21 and remit the fees to:
(A) a unit; or
(B) the board of a solid waste management district
established under IC 13-21.

(b) A township does not have the following, except as expressly
granted by statute:
(1) The power to require a license or impose a license fee.
(2) The power to impose a service charge or user fee.
(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
ordinance that regulates traffic or parking.

SECTION 4. IC 36-1-3-8.7 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 8.7. (a) Subject to a unit's planning and
zoning powers under IC 36-7, this section does not apply to a
property owner who seeks to install a wind power device on the
property owner's premises for the purpose of generating electricity
to meet or offset all or part of the need for electricity on the
premises, whether through distributed generation, participation in
a net metering or feed-in tariff program offered by an electricity
supplier (as defined in IC 8-1-40-4), or otherwise.
(b) As used in this section, "permit authority", with respect to
a unit, has the meaning set forth in IC 8-1-41-4.
(c) As used in this section, "unit" has the meaning set forth in
IC 8-1-41-6.
(d) As used in this section, "wind power device" means a
device, including a windmill or a wind turbine, that is designed to
use the kinetic energy of moving air to provide mechanical energy
or to produce electricity.
(e) As used in this section, "wind power regulation" refers to
any ordinance or regulation, including any:
(1) zoning or land use ordinance or regulation; or
(2) general or specific planning ordinance or regulation; that is adopted by a unit and that concerns the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit.

(f) After June 30, 2021, a permit authority may not, directly or indirectly, restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices in the unit unless:

(1) the unit has first adopted a wind power regulation;
(2) any procedures set forth in the wind power regulation with respect to the permitting or approval process for the siting or installation of wind power devices in the unit comply with IC 36-7-5.3; and
(3) any standards included in the wind power regulation are not more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-41.

(g) Subject to IC 36-7-4-1109, a wind power regulation that:
(1) is in effect in a unit on or after July 1, 2021; and
(2) sets forth or includes:
(A) procedures with respect to the permitting or approval process for the siting or installation of wind power devices in the unit that do not comply with IC 36-7-5.3;
(B) standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-41; or
(C) procedures and standards described in both clauses (A) and (B);
shall be amended by the legislative body of the unit so that the wind power regulation complies with the requirements set forth in subsection (f)(2) and (f)(3). Until such time as the legislative body of the unit amends the wind power regulation as required by this subsection, the procedures set forth in IC 36-7-5.3 or the default standards set forth in IC 8-1-41, as applicable, apply to the construction, installation, siting, modification, operation, or decommissioning of any wind power device in the unit after June 30, 2021. However, until such time as the legislative body of the unit amends the wind power regulation as required by this subsection, the unit may continue to enforce compliance with any part of the unit’s wind power regulation that complies with, or is otherwise consistent with, the requirements set forth in subsection
(f)(2) and (f)(3).

(h) After June 30, 2021, a unit may not amend:
   (1) a wind power regulation; or
   (2) any other regulation of the unit, regardless of the subject
       matter of the regulation;
   to address any matter concerning the construction, installation,
siting, modification, operation, or decommissioning of wind power
devices in the unit unless the wind power regulation or other
regulation, as amended, meets the requirements set forth in
subsection (f), regardless of when the wind power regulation or
other regulation was originally adopted.

SECTION 5. IC 36-1-3-8.8 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 8.8. (a) Subject to a unit's planning and
zoning powers under IC 36-7, this section does not apply to a
property owner who seeks to install a solar energy device (as
defined in IC 32-23-4-3) on the property owner's premises for the
purpose of generating electricity to meet or offset all or part of the
need for electricity on the premises, whether through distributed
generation, participation in a net metering or feed-in tariff
program offered by an electricity supplier (as defined in
IC 8-1-40-4), or otherwise.

(b) As used in this section, "commercial solar energy system",
or "CSE system", means a system that:
   (1) has a nameplate capacity of at least ten (10) megawatts;
   and
   (2) captures and converts solar energy into electricity:
       (A) for the purpose of selling the electricity at wholesale;
       and
       (B) for use in locations other than where it is generated.
       The term includes collection and feeder lines, substations, ancillary buildings, solar monitoring
       stations, and accessory equipment or structures.

(c) As used in this section, "commercial solar regulation"
refers to any ordinance or regulation, including any:
   (1) zoning or land use ordinance or regulation; or
   (2) general or specific planning ordinance or regulation;
   that is adopted by a unit and that concerns the construction,
installation, siting, modification, operation, or decommissioning of
CSE systems in the unit.

(d) As used in this section, "permit authority", with respect to
a unit, has the meaning set forth in IC 8-1-42-6.
(e) As used in this section, "unit" has the meaning set forth in IC 8-1-42-8.

(f) After June 30, 2021, a permit authority may not, directly or indirectly, restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of one (1) or more CSE systems in the unit unless:

1. the unit has first adopted a commercial solar regulation;
2. any procedures set forth in the commercial solar regulation with respect to the permitting or approval process for the siting or installation of CSE systems in the unit comply with IC 36-7-5.4; and
3. any standards included in the commercial solar regulation are not more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-42.

(g) Subject to IC 36-7-4-1109, a commercial solar regulation that:

1. is in effect in a unit on or after July 1, 2021; and
2. sets forth or includes:
   (A) procedures with respect to the permitting or approval process for the siting or installation of CSE systems in the unit that do not comply with IC 36-7-5.4;
   (B) standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-42; or
   (C) procedures and standards described in both clauses (A) and (B);

shall be amended by the legislative body of the unit so that the commercial solar regulation complies with the requirements set forth in subsection (f)(2) and (f)(3). Until such time as the legislative body of the unit amends the commercial solar regulation as required by this subsection, the procedures set forth in IC 36-7-5.4 or the default standards set forth in IC 8-1-42, as applicable, apply to the construction, installation, siting, modification, operation, or decommissioning of any CSE system in the unit after June 30, 2021. However, until such time as the legislative body of the unit amends the commercial solar regulation as required by this subsection, the unit may continue to enforce compliance with any part of the unit's commercial solar regulation that complies with, or is otherwise consistent with, the requirements set forth in subsection (f)(2) and (f)(3).

(h) After June 30, 2021, a unit may not amend:
(1) a commercial solar regulation; or
(2) any other regulation of the unit, regardless of the subject
matter of the regulation;
to address any matter concerning the construction, installation,
siting, modification, operation, or decommissioning of CSE systems
in the unit unless the commercial solar regulation or other
regulation, as amended, meets the requirements set forth in
subsection (f), regardless of when the commercial solar regulation
or other regulation was originally adopted.

SECTION 6. IC 36-7-5.3 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2021]:

Chapter 5.3. Siting of Wind Power Devices in a Unit
Sec. 1. (a) This chapter applies to the following:
(1) The exercising by any unit of zoning, land use, planning,
or permitting authority as authorized by this article, or by
any other law, with respect to the construction, installation,
siting, modification, operation, or decommissioning of one (1)
or more wind power devices within the unit after June 30,
2021.
(2) The consideration by any unit, whether under a
regulation of the unit or otherwise, of a proposal for the
construction, installation, siting, modification, operation, or
decommissioning of one (1) or more wind power devices in
the unit after June 30, 2021.
(b) This chapter applies to a situation described in subsection
(a) in a unit that:
(1) has not adopted a wind power regulation; or
(2) has:
   (A) adopted a wind power regulation that sets forth
   procedures with respect to the permitting or approval
   process for the siting or installation of wind power
   devices in the unit that does not comply with this
   chapter; and
   (B) failed to amend the wind power regulation as
   required by IC 36-1-3-8.7(g).
(c) Subject to a unit’s planning and zoning powers under this
article, this chapter does not apply to a property owner who seeks
to install a wind power device on the property owner’s premises for
the purpose of generating electricity to meet or offset all or part of
the need for electricity on the premises, whether through
distributed generation, participation in a net metering or feed-in
t tariff program offered by an electricity supplier (as defined in IC 8-1-40-4), or otherwise.

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

Sec. 3. (a) As used in this chapter, "permit authority" means:
(1) a unit; or
(2) a board, a commission, or any other governing body of a unit;
that makes legislative or administrative decisions concerning the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit.

(b) The term does not include:
(1) the state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities; or
(2) a court or other judicial body that reviews decisions or rulings made by a permit authority.

Sec. 4. (a) As used in this chapter, "project owner" means a person that:
(1) will own one (1) or more wind power devices proposed to be located in a unit; or
(2) owns one (1) or more wind power devices located in a unit.

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

Sec. 5. (a) As used in this chapter, "unit" refers to:
(1) a county, if a project owner, as part of a single wind power project or development, seeks to locate one (1) or more wind power devices:
(A) entirely within unincorporated areas of the county;
(B) within both unincorporated areas of the county and one (1) or more municipalities within the county; or
(C) entirely within two (2) or more municipalities within the county; or

(2) a municipality, if:
(A) a project owner, as part of a single wind power project or development, seeks to locate one (1) or more wind power devices entirely within the boundaries of the municipality; and
(B) subdivision (1)(B) or (1)(C) does not apply.

(b) The term refers to:
(1) each county described in subsection (a)(1) in which a project owner seeks to locate one (1) or more wind power
devices, if the project owner seeks to locate wind power devices in more than one (1) county as part of a single wind power project or development; and
(2) each municipality described in subsection (a)(2) in which a project owner seeks to locate one (1) or more wind power devices, if the project owner seeks to locate wind power devices in two (2) more municipalities, each of which is located in a different county.

Sec. 6. As used in this chapter, "wind power device" means a device, including a windmill or a wind turbine, that is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

Sec. 7. As used in this chapter, "wind power regulation" refers to any ordinance or regulation, including any:
(1) zoning or land use ordinance or regulation; or
(2) general or specific planning ordinance or regulation;
that is adopted by a unit and that concerns the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit.

Sec. 8. (a) A wind power device may not be installed or located in a unit without the approval of the permit authority for the unit.
(b) The procedures set forth in this chapter apply with respect to any proposal by a project owner to install or locate one (1) or more wind power devices in a unit described in section 1(b) of this chapter. The permit authority for a unit described in section 1(b)(1) of this chapter may not, directly or indirectly, restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices in the unit unless the unit first adopts a wind power regulation, as required by IC 36-1-3-8.7(f)(1).
However, in no case may any unit use procedures, whether by regulation or otherwise, that:
(1) govern the permitting or approval process for the siting or installation of wind power devices in the unit; and
(2) do not comply with this chapter;
as provided in IC 36-1-3-8.7(f)(2).
(c) Except as provided in:
(1) subsection (b);
(2) IC 36-1-3-8.7; and
(3) IC 8-1-41;
this chapter does not otherwise affect a unit's planning and zoning powers under this article with respect to the installation or siting

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DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY
of one (1) or more wind power devices in the unit.

(d) A permit authority for a unit described in section 1(b) of
this chapter is responsible for enforcing compliance with:

(1) this chapter;
(2) the default standards set forth in IC 8-1-41, if applicable
under IC 8-1-41-1(a); and
(3) in the case of a unit described in section 1(b)(2) of this
chapter, any part of the unit's wind power regulation, to the
extent such part:
(A) is not inconsistent with this chapter; and
(B) does not include standards that are more restrictive,
directly or indirectly, than the default standards set
forth in IC 8-1-41.

Sec. 9. (a) A project owner that seeks to install or locate one (1)
or more wind power devices in a unit after June 30, 2021, shall file
with the permit authority for the unit an application in the form
and manner prescribed by the permit authority. An application
filed under this section must include the following, provided with
as much detail or specificity as the permit authority may
reasonably require, and so far as ascertainable at the time of the
application:

(1) A physical and technical description of all wind power
devices proposed to be installed or located in the unit.
(2) A physical and technical description of all sites in the unit
on which one (1) or more wind power devices are sought to
be installed or located, including maps showing the location
of the sites.
(3) The project owner's anticipated timeline and process for
constructing and installing all wind power devices proposed
in the application.
(4) Information regarding the sound:
(A) expressed as an hourly average sound level or by
any other measure reasonably required by the permit
authority; and
(B) as modeled at the outer wall of an affected dwelling;
anticipated to be attributable to the operation of each wind
power device included in the application.
(5) Information regarding the amount of anticipated shadow
flicker, expressed as hours per year under planned operating
conditions or by any other measure reasonably required by
the permit authority, expected to be attributable to the
operation of each wind power device included in the
application.

(6) Information regarding the status of all permits required by the Federal Aviation Administration with respect to each wind power device included in the application.

(7) Information regarding the planned use and modification of any highways, streets, and roads in the unit during the construction and installation of all wind power devices included in the application, including a process for:

(A) assessing road damage caused by activities involved in such construction and installation; and

(B) conducting road repairs at the project owner's expense.

(8) A copy of all emergency response plans applicable to the construction, installation, siting, modification, operation, and decommissioning of all wind power devices included in the application, including a process for sharing the plans with, and providing safety training to, all potential first responders.

(9) A decommissioning and site restoration plan for each wind power device included in the application, including both a timeline for decommissioning and a timeline for posting any required:

(A) surety bond;

(B) parent company guarantee;

(C) irrevocable letter of credit; or

(D) other equivalent means of security or financial assurance acceptable to the permit authority;

in an amount reflecting the estimated cost of decommissioning the wind power device.

(10) A copy of all representative notices to:

(A) the permit authority;

(B) residents of the unit;

(C) political subdivisions in which, or adjacent to where, the project will be located; and

(D) owners of property on which, or adjacent to where, the project will be located;

to be issued by the project owner with respect to the construction, installation, siting, modification, operation, and decommissioning of all wind power devices included in the application, including any preconstruction and postconstruction activities.

(11) A description of a dispute resolution process that:
(A) will be used by the project owner in resolving complaints under section 12 of this chapter; and
(B) complies with the requirements set forth in section 12(b) of this chapter.

(12) Any other information reasonably necessary to understand the construction, installation, siting, modification, operation, and decommissioning of all wind power devices included in the application.

(13) A statement, signed by an officer or another person authorized to bind the project owner, that affirms the accuracy of the information provided in the application.

(b) A project owner that submits an application under this section shall notify the permit authority in writing when all required documents and information described in subsection (a) have been submitted. An application under this section is considered filed as of the date of the project owner's notice under this subsection.

(c) Not later than thirty (30) days after the date of a project owner's notice under subsection (b), the permit authority shall determine whether the project owner's application is complete and shall notify the project owner in writing of the determination. Subject to subsection (f), if the permit authority determines that the application is complete, the permit authority shall proceed to make a determination as to whether to grant or deny the application under section 10 of this chapter. Subject to subsections (d) and (e), if the permit authority determines that the application is incomplete, the permit authority shall state the reasons for the determination in the permit authority's notice to the project owner under this subsection. A permit authority shall not make a determination of incompleteness based on grounds that are arbitrary, capricious, an abuse of discretion, or not in accordance with law. If the permit authority does not make a determination as to the completeness of the application within the time prescribed by this subsection, the application is considered complete.

(d) A project owner may file supplemental information to an application that a permit authority has determined to be incomplete under subsection (c). A project owner that intends to file supplemental information under this subsection shall notify the permit authority of the project owner's intention not later than fourteen (14) days after the date of the permit authority's notice of incompleteness under subsection (c). The project owner's notice of intention to file supplemental information under this subsection
stays the start of the period set forth in section 10 of this chapter in which the permit authority must approve or deny the application until such time as the application is finally determined to be or is considered complete under this section. The project owner shall provide any reasonably requested additional information identified in the permit authority's notice under subsection (c), to the extent ascertainable. A permit authority may not impose a limit on the number of times a project owner may supplement an application under this subsection.

(e) A project owner that submits a supplemented application under subsection (d) shall notify the permit authority in writing when all information and documents provided in connection with the supplemented application have been submitted. A thirty (30) day period for a completeness determination by the permit authority with respect to the supplemented application begins as of the date of the project owner's notice under this subsection, in accordance with the procedures set forth in subsection (c) for an initial application. If the permit authority does not make a determination as to the completeness of the supplemented application within the time prescribed by this subsection, the supplemented application is considered complete.

(f) After:

(1) an initial application is determined to be or is considered complete under subsection (c); or

(2) a supplemented application is determined to be or is considered complete under subsection (e);

a permit authority may nevertheless request additional information reasonably necessary to understand the construction, installation, siting, modification, operation, and decommissioning of any of the wind power devices included in a project owner's initial or supplemented application. A project owner shall provide additional information in response to all reasonable inquiries made by the permit authority, and shall respond in a timely, complete, and accurate manner.

Sec. 10. (a) Subject to subsection (b) and section 11 of this chapter, a permit authority shall issue a written decision to grant or deny an application or a supplemented application under this chapter not later than ninety (90) days after the application or supplemented application is finally determined to be or is considered complete. The permit authority's written decision must include all findings of fact upon which the decision is based. The permit authority shall provide a copy of the permit authority's
decision to:

(1) the project owner; and
(2) the commission.

(b) A permit authority may not:

(1) unreasonably deny an application or a supplemented application under this chapter;
(2) condition approval of an application or a supplemented application upon a project owner's agreement to fulfill unreasonable requirements, including:
   (A) property value guarantees;
   (B) onerous road upgrades; or
   (C) other requirements that are intended to prevent or impede (or would have the effect of preventing or impeding) the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit; or
(3) after approving an application or a supplemented application, impose unreasonable requirements upon a project owner, including any of the requirements set forth in subdivision (2), at any point during the project owner's construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit.

Sec. 11. (a) Not later than thirty (30) days after the date of a permit authority's decision under section 10 of this chapter to approve or deny an application or a supplemented application:

(1) the project owner;
(2) an interested party described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter; or
(3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;
may file with the commission a petition requesting a review of the permit authority's decision.

(b) Upon receiving a petition under subsection (a), the commission shall, in writing:

(1) provide notice of the filing of a petition to:
   (A) the permit authority; and
   (B) the project owner, if the project owner is not the petitioner; and
(2) request from:
   (A) the permit authority;
   (B) the petitioner;
   (C) the project owner; and
(D) an interested party described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter that is a party to the petition;
any information required by the commission to make a determination on the petition.

Any information requested by the commission under subdivision (2) shall be submitted to the commission not later than thirty (30) days after the date of the commission’s written request.

(c) Not later than one hundred fifty (150) days after receiving all information requested under subsection (b)(2), the commission shall:
(1) after notice and an opportunity for hearing; and
(2) consistent with the policy set forth in IC 8-1-2-0.5; issue an order with respect to the permit authority's decision under section 10 of this chapter.

(d) The commission's order under subsection (c) must include the commission's findings as to:
(1) the reasonableness of the permit authority's decision under section 10 of this chapter; and
(2) the parties' compliance with:
(A) this chapter;
(B) the default standards set forth in IC 8-1-41, if applicable under IC 8-1-41-1(a); and
(C) in the case of a unit described in section 1(b)(2) of this chapter, any part of the unit's wind power regulation, to the extent such part:
(i) is not inconsistent with this chapter; and
(ii) does not include standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-41.

(e) In the commission's order under subsection (c), the commission may affirm, vacate, or modify the permit authority's decision as the public convenience and necessity may require.

(f) In the commission's order under subsection (e), the commission shall not consider:
(1) the reasonableness of the default standards set forth in IC 8-1-41; or
(2) relief regarding:
(A) asserted effects on health;
(B) asserted effects on aesthetics;
(C) asserted effects on property values; or
(D) any other requested relief distinct from the factors
set forth in subsection (d).

(g) The order of the commission under subsection (c) is considered a final order, subject to appeal under IC 8-1-3.

Sec. 12. (a) At any time after a permit authority issues a decision under section 10 of this chapter with respect to the construction, installation, siting, modification, operation, or decommissioning of one (1) or more wind power devices in the unit, an interested party described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter may file a complaint with the project owner alleging that the project owner has failed to comply with:

(1) this chapter;
(2) the default standards set forth in IC 8-1-41, if applicable under IC 8-1-41-1(a); or
(3) in a unit described in section 1(b)(2) of this chapter, any part of the unit's wind power regulation, to the extent such part:

(A) is not inconsistent with this chapter; and
(B) does not include standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-41.

(b) An interested party that files a complaint under this section shall do so in accordance with the project owner's dispute resolution process, as set forth in the project owner's application under section 9(a)(11) of this chapter. The following apply with respect to a complaint filed under this section:

(1) The project owner shall:

(A) make a good faith effort to resolve the complaint; and
(B) conduct any investigation required to resolve the complaint at the project owner's expense.

(2) Not later than thirty (30) days after receiving the complaint, the project owner shall provide an initial response to the complainant.

(3) The project owner shall:

(A) make a good faith effort to resolve the complaint not later than forty-five (45) days after receiving the complaint; and
(B) notify the permit authority if the complaint is not resolved within the forty-five (45) day period set forth in clause (A).

(c) If a complaint under this section:

(1) is filed by a party described in section 11(a)(2) or 11(a)(3)
of this chapter; and
(2) is not resolved within the forty-five (45) day period set forth in subsection (b)(3)(A);
the complainant may file with the commission a petition requesting a review of the complaint. A petition for review under this subsection must be filed not later than sixty (60) days after the date of the filing of the complaint with the project owner under this section.  
(d) Upon receiving a petition under subsection (c), the commission shall, in writing:
(1) notify the project owner of the filing of petition; and
(2) request from:
(A) the project owner;
(B) the petitioner; and
(C) the permit authority;
any information required by the commission to make a determination on the petition.
Any information requested by the commission under subdivision (2) shall be submitted to the commission not later than thirty (30) days after the date of the commission's written request.  
(e) Not later than ninety (90) days after receiving all information requested under subsection (d)(2), the commission shall issue an order with respect to the complaint. The commission may issue an order under this subsection without a hearing. The commission's resolution of the complaint is limited to the scope of the complaint regarding the project owner's compliance with:
(1) this chapter;
(2) the default standards set forth in IC 8-1-41, if applicable under IC 8-1-41-1(a); or
(3) in the case of a unit described in section 1(b)(2) of this chapter, any part of the unit's wind power regulation, to the extent such part:
(A) is not inconsistent with this chapter; and
(B) does not include standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-41;
as applicable.
(f) In the commission's order under subsection (e), the commission may order such relief as the public convenience and necessity may require.  
(g) In the commission's order under subsection (e), the commission shall not consider:
(1) the reasonableness of the default standards set forth in
IC 8-1-41; or
(2) relief regarding:
   (A) asserted effects on health;
   (B) asserted effects on aesthetics;
   (C) asserted effects on property values; or
   (D) any other requested relief distinct from the factors set forth in subsection (e).

(h) The commission's order under subsection (e) is considered a final order, subject to appeal under IC 8-1-3.

SECTION 7. IC 36-7-5.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 5.4. Siting of Commercial Solar Energy Systems in a Unit

Sec. 1. (a) This chapter applies to the following:
(1) The exercising by any unit of zoning, land use, planning, or permitting authority as authorized by this article, or by any other law, with respect to the construction, installation, siting, modification, operation, or decommissioning of one (1) or more CSE systems within the unit after June 30, 2021.
(2) The consideration by any unit, whether under a regulation of the unit or otherwise, of a proposal for the construction, installation, siting, modification, operation, or decommissioning of one (1) or more CSE systems in the unit after June 30, 2021.

(b) This chapter applies to a situation described in subsection (a) in a unit that:
   (1) has not adopted a commercial solar regulation; or
   (2) has:
      (A) adopted a commercial solar regulation that sets forth procedures with respect to the permitting or approval process for the siting or installation of CSE systems in the unit that does not comply with this chapter; and
      (B) failed to amend the commercial solar regulation as required by IC 36-1-3-8.8(g).

(c) Subject to a unit's planning and zoning powers under this article, this chapter does not apply to a property owner who seeks to install a solar energy device (as defined in IC 32-23-4-3) on the property owner's premises for the purpose of generating electricity to meet or offset all or part of the need for electricity on the premises, whether through distributed generation, participation in
Section 2. (a) As used in this chapter, "commercial solar energy system", or "CSE system", means a system that:

1. has a nameplate capacity of at least ten (10) megawatts; and
2. captures and converts solar energy into electricity:
   A. for the purpose of selling the electricity at wholesale; and
   B. for use in locations other than where it is generated.

(b) The term includes collection and feeder lines, substations, ancillary buildings, solar monitoring stations, and accessory equipment or structures.

Section 3. As used in this chapter, "commercial solar regulation" refers to any ordinance or regulation, including any:

1. zoning or land use ordinance or regulation; or
2. general or specific planning ordinance or regulation; that is adopted by a unit and that concerns the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit.

Section 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Section 5. (a) As used in this chapter, "permit authority" means:

1. a unit; or
2. a board, a commission, or any other governing body of a unit; that makes legislative or administrative decisions concerning the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit.

(b) The term does not include:

1. the state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities; or
2. a court or other judicial body that reviews decisions or rulings made by a permit authority.

Section 6. (a) As used in this chapter, "project owner" means a person that:

1. will own one (1) or more CSE systems proposed to be located in a unit; or
2. owns one (1) or more CSE systems located in a unit.

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

Section 7. (a) As used in this chapter, "unit" refers to:
(1) a county, if a project owner, as part of a single CSE system project or development, seeks to locate one (1) or more CSE systems:
   (A) entirely within unincorporated areas of the county;
   (B) within both unincorporated areas of the county and one (1) or more municipalities within the county; or
   (C) entirely within two (2) or more municipalities within the county; or
(2) a municipality, if:
   (A) a project owner, as part of a single CSE system project or development, seeks to locate one (1) or more CSE systems entirely within the boundaries of the municipality; and
   (B) subdivision (1)(B) or (1)(C) does not apply.

(b) The term refers to:
(1) each county described in subsection (a)(1) in which a project owner seeks to locate one (1) or more CSE systems, if the project owner seeks to locate CSE systems in more than one (1) county as part of a single CSE system project or development; and
(2) each municipality described in subsection (a)(2) in which a project owner seeks to locate one (1) or more CSE systems, if the project owner seeks to locate CSE systems in two (2) more municipalities, each of which is located in a different county.

Sec. 8. (a) A CSE system may not be installed or located in a unit without the approval of the permit authority for the unit.

(b) The procedures set forth in this chapter apply with respect to any proposal by a project owner to install or locate one (1) or more CSE systems in a unit described in section 1(b) of this chapter. The permit authority for a unit described in section 1(b)(1) of this chapter may not, directly or indirectly, restrict, or impose conditions or limitations on, the construction, installation, siting, modification, operation, or decommissioning of one (1) or more CSE systems in the unit unless the unit first adopts a commercial solar regulation, as required by IC 36-1-3-8.8(f)(1). However, in no case may any unit use procedures, whether by regulation or otherwise, that:
   (1) govern the permitting or approval process for the siting or installation CSE systems in the unit; and
   (2) do not comply with this chapter;
as provided in IC 36-1-3-8.8(f).
(c) Except as provided in:
  (1) subsection (b);
  (2) IC 36-1-3-8.8; and
  (3) IC 8-1-42;
this chapter does not otherwise affect a unit's planning and zoning powers under this article with respect to the installation or siting of one (1) or more CSE systems in the unit.

(d) A permit authority for a unit described in section 1(b) of this chapter is responsible for enforcing compliance with:
  (1) this chapter;
  (2) the default standards set forth in IC 8-1-42, if applicable under IC 8-1-42-1(a); and
  (3) in the case of a unit described in section 1(b)(2) of this chapter, any part of the unit's commercial solar regulation, to the extent such part:
    (A) is not inconsistent with this chapter; and
    (B) does not include standards that are more restrictive, directly or indirectly, than the default standards set forth in IC 8-1-42.

Sec. 9. (a) A project owner that seeks to install or locate one (1) or more CSE systems in a unit after June 30, 2021, shall file with the permit authority for the unit an application in the form and manner prescribed by the permit authority. An application filed under this section must include the following, provided with as much detail or specificity as the permit authority may reasonably require, and so far as ascertainable at the time of the application:
  (1) A physical and technical description of all CSE systems proposed to be installed or located in the unit.
  (2) A physical and technical description of all sites in the unit on which one (1) or more CSE systems are sought to be installed or located, including maps showing the location of the sites.
  (3) The project owner’s anticipated timeline and process for constructing and installing all CSE systems proposed in the application.
  (4) Information regarding the sound:
    (A) expressed as an hourly average sound level or by any other measure reasonably required by the permit authority; and
    (B) as modeled at the outer wall of a dwelling located on an adjacent nonparticipating property (as defined in IC 8-1-42-5);
anticipated to be attributable to the operation of each CSE system included in the application.

(5) To the extent applicable, information regarding the planned use and modification of any highways, streets, and roads in the unit during the construction and installation of all CSE systems included in the application, including a process for:

(A) assessing road damage caused by activities involved in such construction and installation; and

(B) conducting road repairs at the project owner's expense.

(6) A copy of all emergency response plans applicable to the construction, installation, siting, modification, operation, and decommissioning of all CSE systems included in the application, including a process for sharing the plans with, and providing safety training to, all potential first responders.

(7) A decommissioning and site restoration plan for each CSE system included in the application, including both a timeline for decommissioning and a timeline for posting any required:

(A) surety bond;

(B) parent company guarantee;

(C) irrevocable letter of credit; or

(D) other equivalent means of security or financial assurance acceptable to the permit authority; in an amount reflecting the estimated cost of decommissioning the CSE system.

(8) A copy of all representative notices to:

(A) the permit authority;

(B) residents of the unit;

(C) political subdivisions in which, or adjacent to where, the project will be located; and

(D) owners of property on which, or adjacent to where, the project will be located;

to be issued by the project owner with respect to the construction, installation, siting, modification, operation, and decommissioning of all CSE systems included in the application, including any preconstruction and postconstruction activities.

(9) A description of a dispute resolution process that:

(A) will be used by the project owner in resolving
complaints under section 12 of this chapter; and

(B) complies with the requirements set forth in section 12(b) of this chapter.

(10) Any other information reasonably necessary to understand the construction, installation, siting, modification, operation, and decommissioning of all CSE systems included in the application.

(11) A statement, signed by an officer or another person authorized to bind the project owner, that affirms the accuracy of the information provided in the application.

(b) A project owner that submits an application under this section shall notify the permit authority in writing when all required documents and information described in subsection (a) have been submitted. An application under this section is considered filed as of the date of the project owner's notice under this subsection.

(c) Not later than thirty (30) days after the date of a project owner's notice under subsection (b), the permit authority shall determine whether the project owner's application is complete and shall notify the project owner in writing of the determination. Subject to subsection (f), if the permit authority determines that the application is complete, the permit authority shall proceed to make a determination as to whether to grant or deny the application under section 10 of this chapter. Subject to subsections (d) and (e), if the permit authority determines that the application is incomplete, the permit authority shall state the reasons for the determination in the permit authority's notice to the project owner under this subsection. A permit authority shall not make a determination of incompleteness based on grounds that are arbitrary, capricious, an abuse of discretion, or not in accordance with law. If the permit authority does not make a determination as to the completeness of the application within the time prescribed by this subsection, the application is considered complete.

(d) A project owner may file supplemental information to an application that a permit authority has determined to be incomplete under subsection (c). A project owner that intends to file supplemental information under this subsection shall notify the permit authority of the project owner's intention not later than fourteen (14) days after the date of the permit authority's notice of incompleteness under subsection (c). The project owner's notice of intention to file supplemental information under this subsection stays the start of the period set forth in section 10 of this chapter.
in which the permit authority must approve or deny the application until such time as the application is finally determined to be or is considered complete under this section. The project owner shall provide any reasonably requested additional information identified in the permit authority's notice under subsection (c), to the extent ascertainable. A permit authority may not impose a limit on the number of times a project owner may supplement an application under this subsection.

(e) A project owner that submits a supplemented application under subsection (d) shall notify the permit authority in writing when all information and documents provided in connection with the supplemented application have been submitted. A thirty (30) day period for a completeness determination by the permit authority with respect to the supplemented application begins as of the date of the project owner's notice under this subsection, in accordance with the procedures set forth in subsection (c) for an initial application. If the permit authority does not make a determination as to the completeness of the supplemented application within the time prescribed by this subsection, the supplemented application is considered complete.

(f) After:

(1) an initial application is determined to be or is considered complete under subsection (c); or

(2) a supplemented application is determined to be or is considered complete under subsection (e);

a permit authority may nevertheless request additional information reasonably necessary to understand the construction, installation, siting, modification, operation, and decommissioning of any of the CSE systems included in a project owner's initial or supplemented application. A project owner shall provide additional information in response to all reasonable inquiries made by the permit authority, and shall respond in a timely, complete, and accurate manner.

Sec. 10. (a) Subject to subsection (b) and section 11 of this chapter, a permit authority shall issue a written decision to grant or deny an application or a supplemented application under this chapter not later than ninety (90) days after the application or supplemented application is finally determined to be or is considered complete. The permit authority's written decision must include all findings of fact upon which the decision is based. The permit authority shall provide a copy of the permit authority's decision to:
(1) the project owner; and
(2) the commission.

(b) A permit authority may not:

(1) unreasonably deny an application or a supplemented application under this chapter;
(2) condition approval of an application or a supplemented application upon a project owner's agreement to fulfill unreasonable requirements, including:
   (A) property value guarantees;
   (B) onerous road upgrades; or
   (C) other requirements that are intended to prevent or impede (or would have the effect of preventing or impeding) the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit; or
(3) after approving an application or a supplemented application, impose unreasonable requirements upon a project owner, including any of the requirements set forth in subdivision (2), at any point during the project owner's construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit.

Sec. 11. (a) Not later than thirty (30) days after the date of a permit authority's decision under section 10 of this chapter to approve or deny an application or a supplemented application:

(1) the project owner;
(2) an interested party described in section 9(a)(8)(C) through 9(a)(8)(D) of this chapter; or
(3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;

may file with the commission a petition requesting a review of the permit authority's decision.

(b) Upon receiving a petition under subsection (a), the commission shall, in writing:

(1) provide notice of the filing of a petition to:
   (A) the permit authority; and
   (B) the project owner, if the project owner is not the petitioner; and

(2) request from:
   (A) the permit authority;
   (B) the petitioner;
   (C) the project owner; and(D) an interested party described in section 9(a)(8)(C) through 9(a)(8)(D) of this
chapter that is a party to the petition;

any information required by the commission to make a
determination on the petition.

Any information requested by the commission under subdivision
(2) shall be submitted to the commission not later than thirty (30)
days after the date of the commission's written request.

(c) Not later than one hundred fifty (150) days after receiving
all information requested under subsection (b)(2), the commission
shall:

(1) after notice and an opportunity for hearing; and

(2) consistent with the policy set forth in IC 8-1-2-0.5;
issue an order with respect to the permit authority's decision under
section 10 of this chapter.

(d) The commission's order under subsection (c) must include
the commission's findings as to:

(1) the reasonableness of the permit authority's decision
under section 10 of this chapter; and

(2) the parties' compliance with:

(A) this chapter;

(B) the default standards set forth in IC 8-1-42, if
applicable under IC 8-1-42-1(a); and

(C) in the case of a unit described in section 1(b)(2) of
this chapter, any part of the unit's commercial solar
regulation, to the extent such part:

(i) is not inconsistent with this chapter; and

(ii) does not include standards that are more
restrictive, directly or indirectly, than the default
standards set forth in IC 8-1-42.

(e) In the commission's order under subsection (c), the
commission may affirm, vacate, or modify the permit authority's
decision as the public convenience and necessity may require.

(f) In the commission's order under subsection (c), the
commission shall not consider:

(1) the reasonableness of the default standards set forth in
IC 8-1-42; or

(2) relief regarding:

(A) asserted effects on health;

(B) asserted effects on aesthetics;

(C) asserted effects on property values; or

(D) any other requested relief distinct from the factors
set forth in subsection (d).

(g) The order of the commission under subsection (c) is
considered a final order, subject to appeal under IC 8-1-3.

Sec. 12. (a) At any time after a permit authority issues a
decision under section 10 of this chapter with respect to the
construction, installation, siting, modification, operation, or
decommissioning of one (1) or more CSE systems in the unit, an
interested party described in section 9(a)(8)(C) through 9(a)(8)(D)
of this chapter may file a complaint with the project owner alleging
that the project owner has failed to comply with:

(1) this chapter;
(2) the default standards set forth in IC 8-1-42, if applicable
under IC 8-1-42-1(a); or
(3) in a unit described in section 1(b)(2) of this chapter, any
part of the unit's commercial solar regulation, to the extent
such part:
   (A) is not inconsistent with this chapter; and
   (B) does not include standards that are more restrictive,
directly or indirectly, than the default standards set
forth in IC 8-1-42.

(b) An interested party that files a complaint under this section
shall do so in accordance with the project owner's dispute
resolution process, as set forth in the project owner's application
under section 9(a)(9) of this chapter. The following apply with
respect to a complaint filed under this section:

(1) The project owner shall:
   (A) make a good faith effort to resolve the complaint;
   and
   (B) conduct any investigation required to resolve the
complaint at the project owner's expense.

(2) Not later than thirty (30) days after receiving the
complaint, the project owner shall provide an initial response
to the complainant.

(3) The project owner shall:
   (A) make a good faith effort to resolve the complaint not
later than forty-five (45) days after receiving the
complaint; and
   (B) notify the permit authority if the complaint is not
resolved within the forty-five (45) day period set forth in
clause (A).

(c) If a complaint under this section:
(1) is filed by a party described in section 11(a)(2) or 11(a)(3)
of this chapter; and
(2) is not resolved within the forty-five (45) day period set
forth in subsection (b)(3)(A);
the complainant may file with the commission a petition requesting
a review of the complaint. A petition for review under this
subsection must be filed not later than sixty (60) days after the date
of the filing of the complaint with the project owner under this
section.  (d) Upon receiving a petition under subsection (c), the
commission shall, in writing:
(1) notify the project owner of the filing of petition; and
(2) request from:
(A) the project owner;
(B) the petitioner; and
(C) the permit authority;
any information required by the commission to make a
determination on the petition.
Any information requested by the commission under subdivision
(2) shall be submitted to the commission not later than thirty (30)
days after the date of the commission's written request.
(e) Not later than ninety (90) days after receiving all
information requested under subsection (d)(2), the commission
shall issue an order with respect to the complaint. The commission
may issue an order under this subsection without a hearing. The
commission's resolution of the complaint is limited to the scope of
the complaint regarding the project owner's compliance with:
(1) this chapter;
(2) the default standards set forth in IC 8-1-42, if applicable
under IC 8-1-42-1(a); or
(3) in the case of a unit described in section 1(b)(2) of this
chapter, any part of the unit's commercial solar regulation,
to the extent such part:
(A) is not inconsistent with this chapter; and
(B) does not include standards that are more restrictive,
directly or indirectly, than the default standards set
forth in IC 8-1-42;
as applicable.
(f) In the commission's order under subsection (e), the
commission may order such relief as the public convenience and
necessity may require.
(g) In the commission's order under subsection (e), the
commission shall not consider:
(1) the reasonableness of the default standards set forth in
IC 8-1-42; or
(2) relief regarding:
(A) asserted effects on health;
(B) asserted effects on aesthetics;
(C) asserted effects on property values; or
(D) any other requested relief distinct from the factors set forth in subsection (e).

(h) The commission's order under subsection (e) is considered a final order, subject to appeal under IC 8-1-3.

SECTION 8. An emergency is declared for this act.