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Insights

Who Will Control the Future of Alternative Energy Projects in the State of Indiana?

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By: David A. Adams and George C. Lepeniotis

Discussion over the future of energy projects throughout the State of Indiana was paused recently by the Legislature. At issue is who will have the power to approve new projects involved in the generation, transmission, distribution, or storage of electricity, gases, or fluids, or water over more the various counties in the state. **House Bill 1628** sought to have that authority rest with the State, primarily in an effort to respond to the influx of renewable energy projects in Indiana that are running into strong opposition at the local and county level. The reach of the issue looks much broader of course in that it involves carbon capture and storage projects, battery storage and water and gas pipelines, to name a few. Proponents and bill sponsors hoped to normalize the approval and siting process for the sake of growth in available energy to power Indiana's growing power needs. The bill's opponents are on the side of "home rule" in the state, the notion that local governments should be creating laws and regulation to address local concerns. The differing opinions come as no surprise as the State eyes economic development and the need to respond to future energy needs for those projects and other new users in the State, while the local communities want to remain able to control development of such projects to suit their communities' needs and desires. This bill looked to offset many counties in the state having enacted moratoriums or extremely strict zoning laws to prohibit wind and solar projects, which typically span many acres of farmland. These energy projects not only impact local communities but also state and national energy needs. Proponents of the bill contend that with competition among the states for new energy sources and economic development, it is important that energy development continue with reasonable accommodations to meet future energy needs. While the bill does not appear to be advancing, the issue is one that must be dealt with as it doesn't seem to be going away any time soon. A similar bill in the State Senate, **Senate Bill 425**, is still alive; it was recently amended to exclude wind and solar projects from its scope.

Renewable energy and other utility project developers should be aware of the current siting and local land use regulations for possible changes in light of these tensions between the state and local government. For more information on HB 1628, SB 425 or for assistance with your real estate and renewable energy projects, please contact **David Adams** or any of the other members of the **Krieg DeVaul Real Estate and Environmental Practice Group** and its other **Energy** specialists.

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