

HOUSE BILL No. 1333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-1.2-12-4; IC 6-2.5-15-0.2; IC 8-1-8.2; IC 34-13-3-3; IC 36-7-4.

Synopsis: Land use and development. Requires a development that is sited on land: (1) in an area zoned agricultural; and (2) comprised of certain capability classes of soils; to be a permitted use. Extends governmental immunity to a private entity or nonprofit entity that has executed certain agreements under the Indiana brownfields program. Provides that the Indiana economic development corporation may not issue a specific transaction award certificate to exempt purchases made by certain data centers from sales and use tax exemption after June 30, 2026. For purposes of the statute concerning energy production zones: (1) redesignates the term "electric generation facility" as "electric generation or storage facility"; and (2) provides that the term includes a utility scale battery energy storage system (BESS). Defines, for purposes of the statute, an "onsite energy offtake development" (OEO development) as a commercial or industrial development: (1) that will be located on a premise of land in an energy production zone on which an electric generation or storage facility that is not subject to the jurisdiction of the Indiana utility regulatory commission will be located; (2) that will be equipped with or use water saving technologies; and (3) with respect to which the development owner has committed through an offtake agreement to purchase a specified amount of energy or capacity from the energy generation or storage facility; under the terms of an economic development agreement with a unit. Provides that if a planned electric generation or storage facility will include a BESS, the project owner must include in the required statutory notice to the local planning authority: (1) the emergency response plan required under the statute governing the approval of a
(Continued next page)

Effective: July 1, 2026.

Culp

January 6, 2026, read first time and referred to Committee on Utilities, Energy and Telecommunications.



BESS by the department of homeland security (department); and (2) documentation of the department's approval of the BESS. Provides that a development owner is not required to obtain a permit, or any other land use or zoning approval, from a local authority for the construction of an OEO development if the development owner: (1) provides notice containing specified information about the OEO development to the local authority before commencing construction; and (2) holds a public hearing in the unit in which the OEO development will be located; in the same manner provided under current law for planned electric generation or storage facilities. Makes conforming changes. Allows a plan commission, board of zoning appeals, or county or municipal legislative body (body) to require a person to provide their name and address in writing in order to speak at a public hearing regarding certain matters. Allows the body's presiding officer to give consideration to whether a person is a county resident or has an interest as an owner, lessor, lessee, or life tenant in real property within the county in deciding: (1) the order of speakers; and (2) the amount of time allotted to speakers; at a hearing.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1333

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

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

1 SECTION 1. IC 5-1.2-12-4, AS AMENDED BY P.L.166-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 4. (a) The authority shall do the following under
4 this chapter:

- 5 (1) Be responsible for the management of all aspects of the
- 6 Indiana brownfields program.
- 7 (2) Prepare and provide program information.
- 8 (3) Negotiate the negotiable aspects of each financial assistance
- 9 agreement.
- 10 (4) Sign each financial assistance agreement.
- 11 (5) Review each proposed project and financial assistance
- 12 agreement to determine if the project meets the credit, economic,
- 13 or fiscal criteria established by guidelines of the authority.
- 14 (6) Periodically inspect or cause to be inspected projects to
- 15 determine compliance with this chapter.



(7) Conduct or cause to be conducted an evaluation concerning the financial ability of a private individual or entity, nonprofit entity, or political subdivision to:

(A) pay a loan or other financial assistance and other obligations evidencing loans or other financial assistance, if required to be paid; and

(B) otherwise comply with terms of the financial assistance agreement.

(8) Evaluate or cause to be evaluated the technical aspects of the private individual or entity, nonprofit entity, or political subdivision's:

(A) environmental assessment of potential brownfield properties;

(B) proposed remediation; and

(C) remediation activities conducted on brownfield properties.

(9) Inspect or cause to be inspected remediation activities conducted under this chapter.

(10) Act as a liaison to the United States Environmental Protection Agency regarding the Indiana brownfields program.

(11) Be a point of contact for private entities, nonprofit entities, and political subdivisions concerning questions about the Indiana brownfields program.

(12) Enter into memoranda of understanding, as necessary, with the department of environmental management and the budget agency concerning the administration and management of the Indiana brownfields fund and the Indiana brownfields program.

(b) The authority may do the following under this chapter:

(1) Undertake activities to make private environmental insurance products available to encourage and facilitate the cleanup and redevelopment of brownfield properties.

(2) Enter into agreements with private entities, nonprofit entities, and political subdivisions to manage any of the following conducted on brownfield properties:

(A) Environmental assessment activities.

(B) Environmental remediation activities.

(C) Demolition and clearance activities.

(c) The authority may:

(1) negotiate with;

(2) select; and

(3) contract with;

one (1) or more insurers to provide insurance products as described in subsection (b)(1).



(d) The authority may:

(1) negotiate with;

(2) select; and

(3) contract with;

one (1) or more environmental consultants to undertake the activities described in subsection (b)(2) for the benefit of private entities, nonprofit entities, and political subdivisions.

(e) Notwithstanding IC 13-23, IC 13-24-1, and IC 13-25-4, the authority is not liable for any contamination addressed by the authority under an agreement under subsection (b)(2) unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the authority.

(f) For purposes of subsection (e), reckless, willful, or wanton misconduct constitutes gross negligence.

(g) The authority ~~is~~ **and a private entity or nonprofit entity that have executed an agreement under subsection (b)(2) are** entitled to the same governmental immunity afforded a political subdivision under IC 34-13-3-3(a)(22) for any act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield under ~~an~~ **the** agreement under subsection (b)(2).

(h) This chapter does not require the authority to provide a loan or other financial assistance to any private individual or entity, nonprofit entity, or political subdivision to the extent the authority determines that providing the loan or other financial assistance is not in the best interests of the Indiana brownfields program and the authority.

SECTION 2. IC 6-2.5-15-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.2. (a) Notwithstanding any other provision in this chapter, the corporation may not issue a new specific transaction award certificate under this chapter after June 30, 2026.**

(b) Subsection (a) may not be construed to affect the terms of a specific transaction award certificate issued under this chapter before July 1, 2026.

SECTION 3. IC 8-1-8.2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. As used in this chapter, "development owner" means a person that proposes to construct an onsite energy offtake development.**

SECTION 4. IC 8-1-8.2-1, AS ADDED BY P.L.202-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1. (a) As used in this chapter, "electric generation**



1 **or storage facility" means:**

- 2 (1) a facility; or
 3 (2) infrastructure associated with a facility;
 4 for the generation **or storage** of electricity.

5 **(b) The term includes a utility scale battery energy storage**
 6 **system that is:**

- 7 **(1) co-located on the same premises as a facility for the**
 8 **generation of electricity; or**
 9 **(2) installed as a standalone system with an independent**
 10 **connection to the electrical grid.**

11 ~~(b)~~ **(c) The term does not include the following:**

- 12 (1) A wind power device (as defined in IC 8-1-41-7).
 13 (2) A commercial solar energy system (as defined in IC 8-1-42-2).

14 **SECTION 5. IC 8-1-8.2-3.5 IS ADDED TO THE INDIANA CODE**
 15 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 16 **1, 2026]: Sec. 3.5. As used in this chapter, "onsite energy offtake**
 17 **development", or "OEO development", means a commercial or**
 18 **industrial development:**

- 19 **(1) that will be located on a premise of land in an energy**
 20 **production zone on which will be also be located an energy**
 21 **generation or storage facility with respect to which the**
 22 **commission has declined jurisdiction under IC 8-1-8.5-5;**

- 23 **(2) that will be equipped with, or make use of, water saving**
 24 **technologies that will significantly reduce the development's**
 25 **water consumption; and**

- 26 **(3) with respect to which the development owner has**
 27 **committed through:**

- 28 **(A) an offtake agreement;**
 29 **(B) a power purchase agreement; or**
 30 **(C) a similar contractual arrangement;**

31 **to purchase a specified amount of energy or capacity from the**
 32 **energy generation or storage facility;**

33 **under the terms of an economic development agreement executed**
 34 **with a unit.**

35 **SECTION 6. IC 8-1-8.2-5, AS ADDED BY P.L.202-2025,**
 36 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 37 **JULY 1, 2026]: Sec. 5. As used in this chapter, "premise of land"**
 38 **means property comprising a tract of land on which a project owner**
 39 **proposes to construct an electric generation **or storage** facility,**
 40 **including land within the perimeter of the tract of land that was not**
 41 **owned by the project owner as of January 1, 2025.**

42 **SECTION 7. IC 8-1-8.2-6, AS ADDED BY P.L.202-2025,**



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. As used in this chapter, "project owner" means a person that proposes to construct an electric generation **or storage** facility.

SECTION 8. IC 8-1-8.2-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 8.2. As used in this chapter, "utility scale battery energy storage system" has the meaning set forth in IC 22-14-8-3.**

SECTION 9. IC 8-1-8.2-10, AS ADDED BY P.L.202-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A project owner is not required to obtain a permit, or any other land use or zoning approval, from a local authority for the construction of an electric generation **or storage** facility if:

(1) the commission:

(A) grants the project owner a certificate under IC 8-1-8.5-2 for the construction; or

(B) declines jurisdiction over the construction under IC 8-1-2.5-5;

(2) the electric generating **or storage** facility will be located on a premise of land that is an energy production zone; and

(3) the project owner complies with subsections (b) and (c).

(b) Not later than two hundred seventy (270) days before beginning construction to which subsection (a) applies, a project owner shall provide notice of the construction to the local authority with planning authority under IC 36-7 for the premise of land on which the construction will occur. The notice must include the following information with regard to the construction and the electric generation **or storage** facility to be constructed:

(1) A comprehensive description of the electric generation **or storage** facility, including the following:

(A) The planned generation **or storage** capacity of the electric generation **or storage** facility, expressed in megawatts.

(B) The energy source or technology that will be used by the electric generation **or storage** facility to generate **or store** electricity.

(C) The expected operational lifespan of the electric generation **or storage** facility.

(2) The expected date on which the construction will begin.

(3) The expected date on which the electric generation **or storage** facility will begin operation.

(4) Whether the electric generation **or storage** facility will be



1 **used** to provide retail electric service, wholesale electric service,
2 or both.

3 (5) The project owner's plan for eventual decommissioning of the
4 **planned** electric generation **or storage** facility.

5 (6) If construction of the electric generation **or storage** facility
6 will entail decommissioning an existing electric generation
7 facility that is located on the premise of land on which the electric
8 generation **or storage** facility will be located, the project owner's
9 plan for decommissioning the existing electric generation facility,
10 including financial assurances for the decommissioning.

11 (7) A detailed site plan that includes the location of the following
12 within or adjacent to the premise of land on which the electric
13 generation **or storage** facility will be constructed:

14 (A) The structures associated with the electric generation **or**
15 **storage** facility.

16 (B) The:

17 (i) existing electric generation facility, and any structures
18 associated with the existing electric generation facility; or

19 (ii) surface or underground mine, and any structures
20 associated with the surface or underground mine;

21 located on the premise of land on which the electric generation
22 **or storage** facility will be located.

23 (C) Existing and proposed access roads.

24 (D) Regulated drains or ditches.

25 (E) Flood plains.

26 (F) Wetlands.

27 (G) Historic sites or other areas of cultural or environmental
28 significance.

29 **(H) An OEO development, if applicable.**

30 (8) An economic development plan detailing the expected
31 economic effect of the electric generation **or storage** facility on
32 the unit within which the electric generation **or storage** facility
33 will be located, including the following:

34 (A) The anticipated number and types of jobs to be created:

35 (i) during the construction of the electric generation **or**
36 **storage** facility; and

37 (ii) in the operation of the electric generation **or storage**
38 facility.

39 (B) The estimated property tax revenue the electric generation
40 **or storage** facility will produce for the unit.

41 (C) An estimate of the overall:

42 (i) cost to the unit; and



- 1 (ii) effect on the unit's revenue;
 2 associated with the electric generation **or storage** facility.
 3 (9) A safety, security, and emergency response plan describing
 4 measures to ensure:
 5 (A) site security and safety;
 6 (B) coordination with the unit's services; and
 7 (C) safeguarding of the public;
 8 with regard to the construction and operation of the electric
 9 generation **or storage** facility. **If the electric generation or**
 10 **storage facility will include a utility scale battery energy**
 11 **storage system, the response plan provided under this**
 12 **subdivision must include the emergency response plan**
 13 **required by IC 22-14-8-4(b)(4).**
 14 (10) **If the electric generation or storage facility will include**
 15 **a utility scale battery energy storage system, documentation**
 16 **that the project owner has received approval for the**
 17 **installation of the utility scale battery energy storage system**
 18 **from the department of homeland security under**
 19 **IC 22-14-8-4(d).**
 20 (c) Not later than sixty (60) days after a project owner's provision of
 21 the notice under subsection (b), the project owner shall hold a public
 22 hearing in the unit in which the electric generation **or storage** facility
 23 will be located, during which the project owner shall:
 24 (1) provide information to the public; and
 25 (2) receive public comment;
 26 regarding the electric generation **or storage** facility and the
 27 construction of the electric generation **or storage** facility. **If an OEO**
 28 **development will be located on the same premise of land as the**
 29 **electric generation or storage facility, the project owner and the**
 30 **development owner may conduct the hearing required by this**
 31 **subsection as a joint public hearing at which information**
 32 **concerning both the electric generation or storage facility and the**
 33 **OEO development is provided to the public, with opportunity for**
 34 **the public to comment on each proposal.** The project owner shall
 35 publish notice of the date, time, location, and subject of the public
 36 hearing in accordance with IC 5-3-1-2(b).
 37 (d) After providing notice to a local authority under subsection (b),
 38 a project owner shall notify the local authority regarding any
 39 substantive changes in the information provided by the project owner
 40 under subsection (b) that occur before construction begins on the
 41 electric generation **or storage** facility to which the notice pertains.
 42 SECTION 10. IC 8-1-8.2-10.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2026]: **Sec. 10.5. (a) A development owner is not required to obtain a permit, or any other land use or zoning approval, from a local authority for the construction of an OEO development if the development owner complies with subsections (b) and (c).**

(b) Not later than two hundred seventy (270) days before beginning construction of the OEO development, the development owner shall provide notice of the construction to the local authority with planning authority under IC 36-7 for the premise of land on which the construction will occur. The notice must include the following information with regard to the construction and the OEO development to be constructed:

(1) A comprehensive description of the OEO development, including the following:

(A) A description of the water saving technologies described in section 3.5(2) of this chapter that the OEO development will be equipped with, or make use of, including an estimate of the amount of water that will be saved as a result of the technology.

(B) The anticipated electricity demand of the OEO development upon its full commercial operation, including the amount of that demand that will be supplied by:

(i) the electric generation or storage facility that will be located on the same premise of land, in accordance with the agreement or arrangement described in section 3.5(3) of this chapter; and

(ii) the incumbent electricity supplier whose assigned service area under IC 8-1-2.3 includes the premise of land on which the OEO development will be located, as applicable.

If any amount of the OEO development's anticipated electricity demand will be supplied by the incumbent electricity supplier described in item (ii), the development owner shall indicate whether the development owner has entered into a service contract with the electricity supplier or otherwise received confirmation from the electricity supplier that the electricity supplier will be able to supply the amount of the OEO development's anticipated electricity demand set forth in item (ii).

(2) The expected date on which the construction of the OEO development will begin.



(3) The expected date on which the OEO development will begin commercial operation.

(4) A summary of the economic development agreement described in section 3.5 of this chapter, including information as to the expected economic effect of the OEO development on the unit within which the OEO development will be located, including the following, as applicable:

(A) The anticipated number and types of jobs to be created:

(i) during the construction of the OEO development; and

(ii) in the operation of the OEO development.

(B) The estimated property tax revenue the OEO development will produce for the unit.

(C) An estimate of the overall:

(i) cost to the unit; and

(ii) effect on the unit's revenue;

associated with the OEO development.

(c) Not later than sixty (60) days after a development owner's provision of the notice under subsection (b), the development owner shall hold a public hearing in the unit in which the OEO development will be located, during which the project owner shall:

(1) provide information to the public; and

(2) receive public comment;

regarding the OEO development and the construction of the OEO development. The development owner and the project owner for the electric generation or storage facility that will supply all or part of the OEO development's anticipated electricity demand may conduct the hearing required by this subsection as a joint public hearing at which information concerning both the OEO development and the electric generation or storage facility is provided to the public, with opportunity for the public to comment on both proposals. The development owner, or the project owner in the case of a joint public hearing, shall publish notice of the date, time, location, and subject of the public hearing in accordance with IC 5-3-1-2(b).

(d) After providing notice to a local authority under subsection (b), a development owner shall notify the local authority regarding any substantive changes in the information provided by the development owner under subsection (b) that occur before construction begins on the OEO development to which the notice pertains.

SECTION 11. IC 8-1-8.2-11, AS ADDED BY P.L.202-2025,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. This chapter may not be construed to increase or modify the authority of a local authority or a unit to regulate the siting, construction, or deployment of an electric generation **or storage** facility that is not located in an energy production zone.

SECTION 12. IC 34-13-3-3, AS AMENDED BY P.L.186-2025, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.
- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2.1-54 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce:
 - (A) a law (including rules and regulations); or
 - (B) in the case of a public school or charter school, a policy; unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid



1 if the employee would not have been liable had the statute been
2 valid.

3 (10) The act or omission of anyone other than the governmental
4 entity or the governmental entity's employee.

5 (11) The issuance, denial, suspension, or revocation of, or failure
6 or refusal to issue, deny, suspend, or revoke any permit, license,
7 certificate, approval, order, or similar authorization, where the
8 authority is discretionary under the law.

9 (12) Failure to make an inspection, or making an inadequate or
10 negligent inspection, of any property, other than the property of
11 a governmental entity, to determine whether the property
12 complied with or violates any law or contains a hazard to health
13 or safety.

14 (13) Entry upon any property where the entry is expressly or
15 impliedly authorized by law.

16 (14) Misrepresentation if unintentional.

17 (15) Theft by another person of money in the employee's official
18 custody, unless the loss was sustained because of the employee's
19 own negligent or wrongful act or omission.

20 (16) Injury to the property of a person under the jurisdiction and
21 control of the department of correction if the person has not
22 exhausted the administrative remedies and procedures provided
23 by section 7 of this chapter.

24 (17) Injury to the person or property of a person under supervision
25 of a governmental entity and who is:

26 (A) on probation;

27 (B) assigned to an alcohol and drug services program under
28 IC 12-23, a minimum security release program under
29 IC 11-10-8, a pretrial conditional release program under
30 IC 35-33-8, or a community corrections program under
31 IC 11-12; or

32 (C) subject to a court order requiring the person to be escorted
33 by a county police officer while on or in a government
34 building (as defined in IC 36-9-13-3) owned by a county
35 building authority under IC 36-9-13, unless the injury is the
36 result of an act or omission amounting to:

37 (i) gross negligence;

38 (ii) willful or wanton misconduct; or

39 (iii) intentional misconduct.

40 (18) Design of a highway (as defined in IC 9-13-2-73), toll road
41 project (as defined in IC 8-15-2-4(4)), tollway (as defined in
42 IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the



1 claimed loss occurs at least twenty (20) years after the public
 2 highway, toll road project, tollway, or project was designed or
 3 substantially redesigned; except that this subdivision shall not be
 4 construed to relieve a responsible governmental entity from the
 5 continuing duty to provide and maintain public highways in a
 6 reasonably safe condition.

7 (19) Development, adoption, implementation, operation,
 8 maintenance, or use of an enhanced emergency communication
 9 system.

10 (20) Injury to a student or a student's property by an employee of
 11 a school corporation if the employee is acting reasonably under a:

12 (A) discipline policy adopted under IC 20-33-8-12; or

13 (B) restraint and seclusion plan adopted under IC 20-20-40-14.

14 (21) An act or omission performed in good faith under the
 15 apparent authority of a court order described in IC 35-46-1-15.1
 16 or IC 35-46-1-15.3 that is invalid, including an arrest or
 17 imprisonment related to the enforcement of the court order, if the
 18 governmental entity or employee would not have been liable had
 19 the court order been valid.

20 (22) An act taken to investigate or remediate hazardous
 21 substances, petroleum, or other pollutants associated with a
 22 brownfield (as defined in IC 13-11-2-19.3) unless:

23 (A) the loss is a result of reckless conduct; or

24 (B) the governmental entity **or the private or nonprofit**
 25 **entity described in IC 5-1.2-12-4(g)** was responsible for the
 26 initial placement of the hazardous substances, petroleum, or
 27 other pollutants on the brownfield.

28 (23) The operation of an off-road vehicle (as defined in
 29 IC 14-8-2-185) by a nongovernmental employee, or by a
 30 governmental employee not acting within the scope of the
 31 employment of the employee, on a public highway in a county
 32 road system outside the corporate limits of a city or town, unless
 33 the loss is the result of an act or omission amounting to:

34 (A) gross negligence;

35 (B) willful or wanton misconduct; or

36 (C) intentional misconduct.

37 This subdivision shall not be construed to relieve a governmental
 38 entity from liability for the continuing duty to maintain highways
 39 in a reasonably safe condition for the operation of motor vehicles
 40 licensed by the bureau of motor vehicles for operation on public
 41 highways.

42 (24) Any act or omission rendered in connection with a request,



investigation, assessment, or opinion provided under
IC 36-9-28.7.

(b) This subsection applies to a cause of action that accrues during
a period of a state disaster emergency declared under IC 10-14-3-12 to
respond to COVID-19, if the state of disaster emergency was declared
after February 29, 2020, and before April 1, 2022. A governmental
entity or an employee acting within the scope of the employee's
employment is not liable for an act or omission arising from COVID-19
unless the act or omission constitutes gross negligence, willful or
wanton misconduct, or intentional misrepresentation. If a claim
described in this subsection is:

(1) a claim for injury or death resulting from medical malpractice;
and

(2) not barred by the immunity provided under this subsection;
the claimant is required to comply with all of the provisions of
IC 34-18 (medical malpractice act).

SECTION 13. IC 36-7-4-201.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: **Sec. 201.5. (a) As used in this section,**
"permitted use" means a use that is approved in a zoning district
without requiring a:

(1) public hearing;

(2) variance, special exception, contingent use, or conditional
use; or

(3) discretionary zoning action, other than a determination
that a site plan conforms with applicable zoning regulations.

(b) Notwithstanding any ordinance or regulation to the
contrary, a project or development is a permitted use if the project
or development is sited on land:

(1) zoned for agricultural use; and

(2) comprised of soil in capability classes IV, V, VI, VII, or
VIII as identified in the land capability classification system
of the United States Department of Agriculture Natural
Resources Conservation Service.

SECTION 14. IC 36-7-4-305.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: **Sec. 305.5. (a) As used in this section,**
"petition" has the meaning set forth in section 400.5 of this
chapter.

(b) Any person wishing to speak at a plan commission hearing
regarding a petition may be required, as a condition of speaking,
to provide the person's name and address in writing.



1 (c) The presiding officer of the plan commission may, in
 2 managing the conduct of a hearing, give consideration to whether
 3 a person:

4 (1) is a resident of the county; or

5 (2) has an interest as an owner, lessor, lessee, or life tenant in
 6 real property located within the county;
 7 in deciding the order in which persons may speak and the amount
 8 of time allotted to each speaker.

9 (d) A presiding officer may allot persons who are described in
 10 subsection (c) more time to speak at the hearing than persons who
 11 are not described in subsection (c).

12 SECTION 15. IC 36-7-4-400.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: Sec. 400.5. (a) As used in this section,
 15 "petition" means a petition concerning any of the following:

16 (1) A plat, including the vacation of a plat.

17 (2) A development plan.

18 (3) A variance, contingent use, conditional use, special
 19 exception, or special use.

20 (4) A planned unit development.

21 (5) A comprehensive plan.

22 (6) A zoning ordinance.

23 The term includes an administrative appeal of a decision regarding
 24 a petition.

25 (b) Any person wishing to speak at a public hearing of the
 26 legislative body regarding a petition may be required, as a
 27 condition of speaking, to provide the person's name and address in
 28 writing.

29 (c) The presiding officer of the legislative body may, in
 30 managing the conduct of a public hearing, give consideration to
 31 whether a person:

32 (1) is a resident of the county; or

33 (2) has an interest as an owner, lessor, lessee, or life tenant in
 34 real property located within the county;

35 in deciding the order in which persons may speak and the amount
 36 of time allotted to each speaker.

37 (d) A presiding officer may allot persons who are described in
 38 subsection (c) more time to speak at the public hearing than
 39 persons who are not described in subsection (c).

40 SECTION 16. IC 36-7-4-920.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: Sec. 920.5. (a) As used in this section,



1 "petition" has the meaning set forth in section 400.5 of this
2 chapter.

3 (b) Any person wishing to speak at a public hearing of the board
4 of zoning appeals regarding a petition may be required, as a
5 condition of speaking, to provide the person's name and address in
6 writing.

7 (c) The presiding officer of the board of zoning appeals may, in
8 managing the conduct of a public hearing, give consideration to
9 whether a person:

10 (1) is a resident of the county; or

11 (2) has an interest as an owner, lessor, lessee, or life tenant in
12 real property located within the county;

13 in deciding the order in which persons may speak and the amount
14 of time allotted to each speaker.

15 (d) A presiding officer may allot persons who are described in
16 subsection (c) more time to speak at the public hearing than
17 persons who are not described in subsection (c).

