
HOUSE BILL No. 1333

AM133301 has been incorporated into introduced printing.

Synopsis: Land use and development.

M
e
r
g
e
d

2026

IN 1333—LS 7025/DI 87



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

Introduced

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.

2026

IN 1333—LS 7025/DI 87



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
e
r
g
e
d

(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

M
e
r
g
e
d



1 subsection (b)(1).

2 (d) The authority may:

3 (1) negotiate with;

4 (2) select; and

5 (3) contract with;

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

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

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

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

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

27 SECTION 2. IC 6-2.5-15-6.7 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: **Sec. 6.7. As used in this chapter, "local**
30 **authority" has the meaning set forth in IC 36-7-4-1109.**

31 SECTION 3. IC 6-2.5-15-8.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2026]: **Sec. 8.5. As used in this chapter,**
34 **"permit" has the meaning set forth in IC 36-7-4-1109.**

35 SECTION 4. IC 6-2.5-15-15.5 IS ADDED TO THE INDIANA
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. (a) This section applies to a**
38 **qualified data center user that:**

39 (1) **uses or will use qualified data center equipment in**
40 **connection with a qualified data center for which a permit**
41 **that:**

42 (A) **authorizes the development, construction, or**



operation of the qualified data center in a local unit; and
(B) is issued after June 30, 2026, by the local authority
with jurisdiction over the local unit; and

(2) is issued a specific transaction award certificate under
this chapter with respect to the qualified data center after
June 30, 2026.

(b) Before a qualified data center user described in subsection
(a) may use the specific transaction award certificate issued under
this chapter to purchase qualified data center equipment, the
qualified data center user and the local unit described in subsection
(a)(1) shall enter into a written agreement that includes a
commitment by the qualified data center user to contribute to the
local unit, at such times and in the manner agreed to by the local
unit and the qualified data center user, an amount equal to at least
one percent (1%) of the amount of taxes that are not paid on each
purchase of qualified data center equipment that is made:

- (1) using the specific transaction award certificate; and
- (2) during the duration of the specific transaction award
certificate.

(c) The local unit and political subdivisions within the local
unit shall determine:

- (1) how the contributions required under subsection (b) will
be allocated; and
- (2) for what purposes the contributions required under
subsection (b) will be used;

within the local unit.

SECTION 5. 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
or storage facility" means:

- (1) a facility; or
- (2) infrastructure associated with a facility;

for the generation or storage of electricity.

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

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

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

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

M
e
r
g
e
d



1 IC 8-1-42-2).

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

9 SECTION 7. IC 8-1-8.2-6, AS ADDED BY P.L.202-2025,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 6. As used in this chapter, "project owner" means
12 a person that proposes to construct an electric generation **or storage**
13 facility.

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

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

25 (1) the commission:
26 (A) grants the project owner a certificate under IC 8-1-8.5-2
27 for the construction; or
28 (B) declines jurisdiction over the construction under
29 IC 8-1-2.5-5;

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

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

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

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

42 (A) The planned generation **or storage** capacity of the



- 1 electric generation **or storage** facility, expressed in
- 2 megawatts.
- 3 (B) The energy source or technology that will be used by
- 4 the electric generation **or storage** facility to generate **or**
- 5 **store** electricity.
- 6 (C) The expected operational lifespan of the electric
- 7 generation **or storage** facility.
- 8 (2) The expected date on which the construction will begin.
- 9 (3) The expected date on which the electric generation **or**
- 10 **storage** facility will begin operation.
- 11 (4) Whether the electric generation **or storage** facility will **be**
- 12 **used to** provide retail electric service, wholesale electric service,
- 13 or both.
- 14 (5) The project owner's plan for eventual decommissioning of
- 15 the **planned** electric generation **or storage** facility.
- 16 (6) If construction of the electric generation **or storage** facility
- 17 will entail decommissioning an existing electric generation
- 18 facility that is located on the premise of land on which the
- 19 electric generation **or storage** facility will be located, the project
- 20 owner's plan for decommissioning the existing electric
- 21 generation facility, including financial assurances for the
- 22 decommissioning.
- 23 (7) A detailed site plan that includes the location of the
- 24 following within or adjacent to the premise of land on which the
- 25 electric generation **or storage** facility will be constructed:
- 26 (A) The structures associated with the electric generation **or**
- 27 **storage** facility.
- 28 (B) The:
- 29 (i) existing electric generation facility, and any
- 30 structures associated with the existing electric
- 31 generation facility; or
- 32 (ii) surface or underground mine, and any structures
- 33 associated with the surface or underground mine;
- 34 located on the premise of land on which the electric
- 35 generation **or storage** facility will be located.
- 36 (C) Existing and proposed access roads.
- 37 (D) Regulated drains or ditches.
- 38 (E) Flood plains.
- 39 (F) Wetlands.
- 40 (G) Historic sites or other areas of cultural or environmental
- 41 significance.
- 42 (8) An economic development plan detailing the expected

M
e
r
g
e
d



economic effect of the electric generation **or storage** facility on the unit within which the electric generation **or storage** facility will be located, including the following:

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

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

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

(B) The estimated property tax revenue the electric generation **or storage** facility 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 electric generation **or storage** facility.

(9) A safety, security, and emergency response plan describing measures to ensure:

(A) site security and safety;

(B) coordination with the unit's services; and

(C) safeguarding of the public;

with regard to the construction and operation of the electric generation **or storage** facility. **If the electric generation or storage facility will include a utility scale battery energy storage system, the response plan provided under this subdivision must include the emergency response plan required by IC 22-14-8-4(b)(4).**

(10) If the electric generation or storage facility will include a utility scale battery energy storage system, documentation that the project owner has received approval for the installation of the utility scale battery energy storage system from the department of homeland security under IC 22-14-8-4(d).

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

(1) provide information to the public; and

(2) receive public comment;

regarding the electric generation **or storage** facility and the construction of the electric generation **or storage** facility. The project owner 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),



M
e
r
g
e
d

a project owner shall notify the local authority regarding any substantive changes in the information provided by the project owner under subsection (b) that occur before construction begins on the electric generation **or storage** facility to which the notice pertains.

SECTION 10. 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 11. 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:



M
e
r
g
e
d

- 1 (A) a law (including rules and regulations); or
 2 (B) in the case of a public school or charter school, a policy;
 3 unless the act of enforcement constitutes false arrest or false
 4 imprisonment.
 5 (9) An act or omission performed in good faith and without
 6 malice under the apparent authority of a statute which is invalid
 7 if the employee would not have been liable had the statute been
 8 valid.
 9 (10) The act or omission of anyone other than the governmental
 10 entity or the governmental entity's employee.
 11 (11) The issuance, denial, suspension, or revocation of, or failure
 12 or refusal to issue, deny, suspend, or revoke any permit, license,
 13 certificate, approval, order, or similar authorization, where the
 14 authority is discretionary under the law.
 15 (12) Failure to make an inspection, or making an inadequate or
 16 negligent inspection, of any property, other than the property of
 17 a governmental entity, to determine whether the property
 18 complied with or violates any law or contains a hazard to health
 19 or safety.
 20 (13) Entry upon any property where the entry is expressly or
 21 impliedly authorized by law.
 22 (14) Misrepresentation if unintentional.
 23 (15) Theft by another person of money in the employee's official
 24 custody, unless the loss was sustained because of the employee's
 25 own negligent or wrongful act or omission.
 26 (16) Injury to the property of a person under the jurisdiction and
 27 control of the department of correction if the person has not
 28 exhausted the administrative remedies and procedures provided
 29 by section 7 of this chapter.
 30 (17) Injury to the person or property of a person under
 31 supervision of a governmental entity and who is:
 32 (A) on probation;
 33 (B) assigned to an alcohol and drug services program under
 34 IC 12-23, a minimum security release program under
 35 IC 11-10-8, a pretrial conditional release program under
 36 IC 35-33-8, or a community corrections program under
 37 IC 11-12; or
 38 (C) subject to a court order requiring the person to be
 39 escorted by a county police officer while on or in a
 40 government building (as defined in IC 36-9-13-3) owned by
 41 a county building authority under IC 36-9-13, unless the
 42 injury is the result of an act or omission amounting to:

M
e
r
g
e
d



- (i) gross negligence;
- (ii) willful or wanton misconduct; or
- (iii) intentional misconduct.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

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

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

- (A) discipline policy adopted under IC 20-33-8-12; or
- (B) restraint and seclusion plan adopted under IC 20-20-40-14.

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

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

- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity **or the private or nonprofit entity described in IC 5-1.2-12-4(g)** was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

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

- (A) gross negligence;



M
e
r
g
e
d

(B) willful or wanton misconduct; or

(C) intentional misconduct.

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

(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 12. IC 36-7-4-201.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 201.6. (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.



M
e
r
g
e
d

SECTION 13. 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.

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

(1) is a resident of the county; or

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

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

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

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

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

(2) A development plan.

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

(4) A planned unit development.

(5) A comprehensive plan.

(6) A zoning ordinance.

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

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

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

(1) is a resident of the county; or

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



M
e
r
g
e
d

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

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

6 SECTION 15. IC 36-7-4-920.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2026]: Sec. 920.5. (a) As used in this section,
9 "petition" has the meaning set forth in section 400.5 of this
10 chapter.

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

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

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

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

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

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

M
e
r
g
e
d

