

## SENATE BILL No. 228

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-10-16.

**Synopsis:** Midwest continental divide commission. Makes the following changes to the law regarding the Midwest continental divide commission (commission): (1) Amends the definition of a "land use and zoning plan" (plan) to provide that it is a plan and not an overlay district. (2) Requires the commission to consider any change or variance in zoning to be consistent with the plan that is: (A) inconsistent with the plan; and (B) not more than 1/2 mile from a trail project approved by the commission and the eligible county or city.

**Effective:** July 1, 2026.

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**Niezgodski**

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January 8, 2026, read first time and referred to Committee on Appropriations.

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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.

## SENATE BILL No. 228

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 36-10-16-12, AS ADDED BY P.L.141-2025,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 12. As used in this chapter, "land use and zoning  
4 plan" means the **land use and zoning overlay district plan** adopted by  
5 the eligible county with the formation of the district.
- 6 SECTION 2. IC 36-10-16-17, AS ADDED BY P.L.141-2025,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 17. (a) The commission may be established by the  
9 legislative body of an eligible:
- 10 (1) county; and  
11 (2) city;  
12 upon the adoption of an ordinance approved by both bodies  
13 establishing the commission.
- 14 (b) The ordinance establishing the commission shall designate the  
15 boundaries of the Midwest continental divide district, if the legislative  
16 bodies determine the following:
- 17 (1) The district's designation would encourage collaboration and



support development across jurisdictions.

(2) The district's efforts enhance the quality of life, create cultural amenities, and preserve key land and natural resources in at least one (1) eligible unit, a reservation site, and the surrounding region.

(3) The existence of a development plan for the district that includes the development of a trail project and that identifies the trail project's objectives in a clearly focused and measurable fashion.

(4) The district's designation would catalyze new developments and attractions and improve tourism and the tourism industry in the eligible county and Indiana.

(5) The district's efforts would enhance a state park and a state nature preserve in the eligible county.

The commission, from time to time, may petition the legislative body of the eligible county and eligible city, as applicable, to expand the boundaries of the district inside the respective jurisdictions.

(c) The ordinance establishing the commission shall also:

(1) approve a land use and zoning plan for the district; and

(2) provide that any change or variance in ~~the land use and zoning~~ **that is:**

**(A) inconsistent with the land use and zoning plan; and**

**(B) not more than one-half (1/2) mile from a trail project approved by the commission and the eligible county or city, as applicable;**

**plan requires shall be considered consistent with the land use and zoning plan by the approval of the commission.**

(d) The commission shall notify the state budget agency in writing promptly after the commission is established.

