



**CONFERENCE COMMITTEE REPORT
DIGEST FOR HB 1606**

Citations Affected: IC 36-7-4; noncode.

Synopsis: Planning and zoning. Requires a municipality to: (1) provide municipal services to a contiguous unincorporated area; or (2) obtain the consent of the county legislative body; before exercising planning jurisdiction in the contiguous unincorporated area. Allows the complete use and alienation of mineral resources or forests by the owner or alienee of the mineral resources or forest in an area under the jurisdiction of a plan commission established under the advisory planning law or area planning law. Makes certain changes to the county plan commission membership. Provides that the legislative body may adopt an ordinance to nullify a change in a zone map that was the result of a person's material misrepresentation or omission of facts without referring the ordinance to the plan commission for consideration and recommendation. Provides that if an additional division of the board of zoning appeals is established by ordinance when a municipal plan commission exercises jurisdiction outside the incorporated area of the municipality, the ordinance may also provide for the appointment of the members by the county or township. (Current law provides that some members are appointed by the municipality or county and the plan commission.) Makes technical changes. (This conference committee report does the following: (1) Removes a provision that allows a plan commission to change a zoning ordinance that changes a land use when the ordinance is the result of a person's material misrepresentation or omission of facts. Adds a provision that allows the legislative body to adopt an ordinance nullifying a change in a zone map that is the result of a person's material misrepresentation or omission of facts. (2) Adds a provision that allows the appointment of members to an additional division of the board of zoning appeals by the county or the township. (3) Makes technical changes.)

Effective: July 1, 1999.



Adopted	Rejected
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CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1606 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the technical correction adopted under Senate Rule 33(c)
- 2 April 7, 1999.
- 3 Page 1, line 5, after "municipality" insert ".".
- 4 Page 1, line 5, strike "and,".
- 5 Page 1, line 5, delete "for" and insert "**For**".
- 6 Page 1, line 6, delete "the municipality".
- 7 Page 1, line 7, after "(1)" insert "**the municipality**".
- 8 Page 1, line 9, after "(2)" insert "**the municipal plan**
- 9 **commission**".
- 10 Page 1, line 9, after "body of" delete "the" and insert "**each**
- 11 **affected county**";.
- 12 Page 1, delete line 10.
- 13 Page 1, line 11, delete "municipality" and insert "**municipal plan**
- 14 **commission**".
- 15 Page 3, line 33, delete "municipality" and insert "**municipal plan**
- 16 **commission**".
- 17 Page 3, line 34, after "body" insert "**of each affected county**".
- 18 Page 4, line 24, delete "the" and insert "**an**".
- 19 Page 4, line 25, delete "areas" and insert "**area**".
- 20 Page 4, line 27, delete "area" and insert "**county**".
- 21 Page 5, line 31, delete "If a county legislative body" and insert
- 22 "**This section applies to a proposal, as described in section 602(c) of**
- 23 **this chapter, to change the zone maps incorporated by reference**
- 24 **into the zoning ordinance. If, after adoption of the proposal, the**

1 **legislative body finds that the proposal was adopted as a result of**
 2 **a person's material misrepresentation or omission of facts, the**
 3 **legislative body may adopt an ordinance to nullify any change in**
 4 **the zone maps that resulted from the misrepresentation or**
 5 **omission. Such an ordinance may be adopted by the legislative**
 6 **body without being referred to the plan commission for**
 7 **consideration and recommendation under sections 604, 605, and**
 8 **608 of this chapter.**

9 SECTION 4. IC 36-7-4-903 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 903. ADVISORY. (a)
 11 When a municipal plan commission exercises jurisdiction outside the
 12 incorporated area of the municipality as provided for in section 205 or
 13 1208 of the advisory planning law, either:

14 (1) an additional division of the board of zoning appeals shall be
 15 established under section ~~901(a)~~ **901(b)** of this chapter that will
 16 have territorial jurisdiction only in the unincorporated area and
 17 consist only of residents of the unincorporated area; or

18 (2) the municipal plan commission shall designate, as its
 19 appointment to the municipal board of zoning appeals under
 20 section 902(a)(3) of this chapter, one (1) of the two (2) citizen
 21 members who were appointed under section 214 of this chapter
 22 to the plan commission to represent the unincorporated area. The
 23 citizen member must reside in the unincorporated area. He shall
 24 be appointed for a term of four (4) years. He is entitled to
 25 participate and vote in all deliberations of the municipal board
 26 of zoning appeals.

27 **(b) Notwithstanding section 902(g) of this chapter, if the**
 28 **zoning ordinance provides for an additional division of the board**
 29 **of zoning appeals under subsection (a)(1), the ordinance may also**
 30 **provide for the appointment of one (1) or more members of that**
 31 **division by elected officials of the county or township."**

32 Page 5, delete lines 32 through 37.

33 Page 6, line 2, after "AREA" insert ".".

34 Page 6, line 8, after "AREA" insert ".".

35 Page 6, line 8, strike "The advisory planning law" and insert "**This**
 36 **chapter**".

37 Page 6, line 9, delete "and area planning law".

38 Page 6, line 10, delete "an area planning department or" and insert
 39 "**a plan**".

40 Page 6, line 14, delete "area" and insert "**county**".

41 Page 6, line 19, delete "area" and insert "**county**".

42 Page 6, line 20, delete "area" and insert "**county**".

43 Renumber all SECTIONS consecutively.

(Reference is to EHB 1606 as reprinted April 6, 1999, and as corrected under Senate Rule 33(c) April 7, 1999.)

Conference Committee Report
on
House Bill 1606

Signed by:

Senator Ford

Representative Mellinger

Senator Lewis

Representative Cherry

Senate Conferees

House Conferees