

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1102 be amended to read as follows:

- 1 Page 35, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 34. IC 36-7-4-1109 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2006]: **Sec. 1109. (a) As used in this section,**
- 5 **"governmental agency" includes any agency, officer, board, or**
- 6 **commission of government that may issue:**
- 7 (1) a permit; or
- 8 (2) an approval for the construction of a development, a
- 9 building, or another structure.
- 10 (b) As used in this section, "permit" means any of the following:
- 11 (1) An improvement location permit.
- 12 (2) A building permit.
- 13 (3) A certificate of occupancy.
- 14 (4) Approval of a site-specific development plan.
- 15 (5) Approval of a primary or secondary plat.
- 16 (6) Approval of a special exception or special use.
- 17 (7) Approval of a planned unit development.
- 18 (c) If a person files an application for a permit with the
- 19 appropriate governmental agency, the granting of the permit is
- 20 governed by the statutes, ordinances, rules, development standards,
- 21 and regulations in effect and applicable to the subject property
- 22 when the application is filed, even if before the issuance of the
- 23 permit or while the permit approval process is pending the statutes,
- 24 ordinances, rules, development standards, or regulations governing
- 25 the granting of the permit are changed:

- 1           **(1) by the general assembly or the applicable local legislative**  
2           **body or regulatory body; or**  
3           **(2) as the result of the annexation of the property to which the**  
4           **permit relates.**  
5           **(d) Subsection (e) applies if:**  
6           **(1) either:**  
7               **(A) a governmental agency issues to a person a permit or**  
8               **grants a person approval for the construction of a**  
9               **development, a building, or another structure; or**  
10              **(B) a permit or approval is not required from the**  
11              **governmental agency for the construction of the**  
12              **development, building, or structure;**  
13           **(2) before beginning the construction of the development,**  
14           **building, or structure, the person must obtain a permit or**  
15           **approval for the construction of the development, building, or**  
16           **structure from a second governmental agency; and**  
17           **(3) the person has applied for the permit or requested**  
18           **approval for the construction of the development, building, or**  
19           **structure from the second governmental agency.**  
20           **(e) If the conditions of subsection (d) are satisfied:**  
21               **(1) a permit or approval issued or granted to a person by the**  
22               **first governmental agency for the construction of the**  
23               **development, building, or structure; or**  
24               **(2) the person's right to construct the development, building,**  
25               **or structure without a permit or approval from the first**  
26               **governmental agency;**  
27           **is governed by the statutes, ordinances, rules, development**  
28           **standards, regulations, and approvals in effect and applicable to**  
29           **the subject property when the person applies for the permit or**  
30           **requests the approval from the second governmental agency for the**  
31           **construction of the development, building, or structure, even if**  
32           **before the commencement of the construction or while the permit**  
33           **application or approval request is pending with the second**  
34           **governmental agency the statutes governing the granting of the**

1     **permit or approval from the first governmental agency are**  
2     **changed by the general assembly or the ordinances, rules,**  
3     **development standards, or regulations of the first governmental**  
4     **agency are changed by the applicable local legislative body or**  
5     **regulatory body or as the result of the annexation of the property**  
6     **to which the permit relates."**

7         Renumber all SECTIONS consecutively.  
          (Reference is to HB 1102 as printed January 18, 2006.)

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Representative Wolkins