

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WITHDRAWN	Noes _____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.)

Representative Hinkle