



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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1298 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-32-11-11, AS AMENDED BY P.L.151-2015,
- 4 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2016]: Sec. 11. (a) Except as provided in subsections (b)
- 6 through (g), the secretary shall issue an offsite sales permit to a dealer
- 7 licensed under this chapter who submits an application for the permit
- 8 not later than ten (10) business days or two (2) calendar weeks before
- 9 the offsite sale date. Permit applications under this section shall be
- 10 made public upon the request of any person.
- 11 (b) The secretary may not issue an offsite sales permit to a dealer
- 12 who does not have an established place of business within Indiana.
- 13 (c) The secretary may not issue an offsite sales permit to a licensed
- 14 dealer proposing to conduct a sale outside a radius of twenty (20) miles
- 15 from the established place of business of the licensed dealer. The
- 16 following may conduct an offsite sale with an offsite sales permit
- 17 outside a radius of twenty (20) miles from the established place of
- 18 business of the licensed dealer:
- 19 (1) New manufactured housing dealers.
- 20 (2) Recreational vehicle dealers.
- 21 (3) A rental company that is a dealer conducting a sale at a site

- 1 within twenty (20) miles of any of its company owned affiliates.
 2 (4) Off-road vehicle dealers.
 3 (5) Dealers of vehicles classified as classic, collector, or antique
 4 under rules adopted under section 18(a)(2)(B) of this chapter.
 5 (d) A vehicle display is not considered an offsite sale if it is
 6 conducted by a new vehicle franchised dealer in an open area where no
 7 sales personnel and no sales material are present.
 8 (e) The secretary may not issue an offsite sales permit to a licensed
 9 dealer proposing to conduct an offsite sale for more than ten (10)
 10 calendar days.
 11 (f) As used in this subsection, "executive" has the meaning set forth
 12 in IC 36-1-2-5. The secretary may not issue an offsite sales permit to
 13 a licensed dealer if the dealer does not have certification that the offsite
 14 sale would be in compliance with local zoning ordinances or other local
 15 ordinances. Authorization under this subsection may be obtained only
 16 from the following:
 17 (1) If the offsite sale would be located within the corporate
 18 boundaries of a city or town, the executive of the city or town.
 19 (2) If the offsite sale would be located outside the corporate
 20 boundaries of a city or town:
 21 (A) except as provided in clause (B), the executive of the
 22 county; or
 23 (B) if the city or town exercises zoning jurisdiction under
 24 ~~IC 36-7-4-205(b)~~ **IC 36-7-4-205(c)** over the area where the
 25 offsite sale would be located, the executive of the city or town.
 26 (g) The secretary may not issue an offsite sales permit to a licensed
 27 dealer who has held more than three (3) nonconsecutive offsite sales in
 28 the year ending on the date of the offsite sale for which the permit
 29 application is being submitted.
 30 (h) Section 2(c) of this chapter does not apply to the application or
 31 issuance of an offsite sales permit under this section.
 32 SECTION 2. IC 36-1-3-9, AS AMENDED BY THE TECHNICAL
 33 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS
 34 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
 35 Sec. 9. (a) The area inside the boundaries of a county comprises its
 36 territorial jurisdiction. However, a municipality has exclusive
 37 jurisdiction over bridges (subject to IC 8-16-3-1), streets, alleys,
 38 sidewalks, watercourses, sewers, drains, and public grounds inside its
 39 corporate boundaries, unless a statute provides otherwise.
 40 (b) The area inside the corporate boundaries of a municipality
 41 comprises its territorial jurisdiction, except to the extent that a statute
 42 expressly authorizes the municipality to exercise a power in areas
 43 outside its corporate boundaries.
 44 (c) Whenever a statute authorizes a municipality to exercise a power
 45 in areas outside its corporate boundaries, the power may be exercised
 46 **only as follows:**

1 (1) Inside the corporate boundaries of another municipality, only
2 if both municipalities, by ordinance, enter into an agreement
3 under IC 36-1-7. ~~or~~

4 (2) **Except as provided in subdivision (3)**, in a county other than
5 the county in which the municipal hall is located, but not inside
6 the corporate boundaries of another municipality, only if both the
7 municipality and the other county, by ordinance, enter into an
8 agreement under IC 36-1-7.

9 (3) **This subdivision does not affect or invalidate a written**
10 **mutual aid agreement for police protection or fire protection**
11 **executed before July 1, 2016, or a written agreement for**
12 **services provided by a municipality to an unincorporated area**
13 **after June 30, 2016, if the services were initially provided by**
14 **the municipality before July 1, 2016, and the municipality files**
15 **the written agreement with the county executive before**
16 **January 1, 2017. This subdivision applies whenever a statute**
17 **authorizes a municipality to provide the following services in**
18 **areas outside the municipality's corporate boundaries, but not**
19 **inside the corporate boundaries of another municipality:**

- 20 (A) Police protection.
- 21 (B) Fire protection.
- 22 (C) Street and road maintenance.
- 23 (D) Sewer service.
- 24 (E) Water service.

25 **Notwithstanding any other law, a municipality may provide**
26 **municipal services in the unincorporated area of a county**
27 **only if both the municipality and the county, by ordinance,**
28 **enter into an agreement under IC 36-1-7. In the absence of an**
29 **agreement under IC 36-1-7, the county shall provide the**
30 **services. This subdivision does not affect a municipality's**
31 **authority to exercise only planning and zoning jurisdiction**
32 **over the area within two (2) miles of the corporate boundaries**
33 **of the municipality if the requirements of IC 36-7-4-205 are**
34 **met.**

35 (d) If the two (2) units involved under subsection (c) cannot reach
36 an agreement, either unit may petition the circuit or superior court of
37 the county to hear and determine the matters at issue. The clerk of the
38 court shall issue notice to the other unit as in other civil actions, and the
39 court shall hold the hearing without a jury. There may be a change of
40 venue from the judge but not from the county. The petitioning unit
41 shall pay the costs of the action.

42 (e) ~~If a political subdivision permits or authorizes the placement or~~
43 ~~display of materials:~~

- 44 (1) ~~advocating the election or defeat of a candidate or public~~
45 ~~question; or~~
- 46 (2) ~~supporting or opposing a political party;~~

1 on the real or personal property of the political subdivision; the
 2 political subdivision must permit the placement or display of these
 3 materials from any person on that real or personal property subject to
 4 the same time, place, and manner restrictions."

5 Page 2, line 37, delete "sections" and insert "**section**".

6 Page 15, after line 7, begin a new paragraph and insert:

7 "SECTION 8. IC 36-7-4-205, AS AMENDED BY P.L.207-2014,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]: Sec. 205. **(a) This section does not affect a county's
 10 authority and responsibility to provide services in the
 11 unincorporated area of the county in the absence of an agreement
 12 with a municipality to provide services to the unincorporated area
 13 as set forth in IC 36-1-3-9.**

14 ~~(a)~~ **(b)** ADVISORY. A municipal plan commission shall adopt a
 15 comprehensive plan, as provided for under the 500 series of the
 16 advisory planning law, for the development of the municipality. For
 17 comprehensive plans adopted after July 1, 1999, if:

18 (1) the municipality provides municipal services to the contiguous
 19 unincorporated area; or

20 (2) the municipal plan commission obtains the approval of the
 21 county legislative body of each affected county;

22 the municipal plan commission may provide in the comprehensive plan
 23 for the development of the contiguous unincorporated area, designated
 24 by the commission, that is outside the corporate boundaries of the
 25 municipality, and that, in the judgment of the commission, bears
 26 reasonable relation to the development of the municipality. For
 27 purposes of this section, participation of a municipality in a fire
 28 protection territory established under IC 36-8-19 that includes
 29 unincorporated areas contiguous to the municipality may not be treated
 30 as providing municipal services to the contiguous unincorporated areas.

31 ~~(b)~~ **(c)** ADVISORY. Except as limited by the boundaries of
 32 unincorporated areas subject to the jurisdiction of other municipal plan
 33 commissions, an area designated under this section may include any
 34 part of the contiguous unincorporated area within two (2) miles from
 35 the corporate boundaries of the municipality. However, the following
 36 applies to the designation of an area under this section:

37 (1) If the corporate boundaries of the municipality or the
 38 boundaries of that contiguous unincorporated area include any
 39 part of the public waters or shoreline of a lake (which lies wholly
 40 within Indiana), the designated area may also include:

41 (A) any part of those public waters and shoreline of the lake;
 42 and

43 (B) any land area within two thousand five hundred (2,500)
 44 feet from that shoreline.

45 (2) This subdivision applies to a municipality that annexes
 46 noncontiguous territory under IC 36-4-3-4(a)(2) or

1 IC 36-4-3-4(a)(3). The boundaries of the noncontiguous territory
 2 (including territory that is enlarged under subdivision
 3 IC 36-4-3-4(a)(2)(B) for the use of the wastewater treatment
 4 facility or water treatment facility) may not be considered a part
 5 of the corporate boundaries of the municipality for purposes of
 6 designating an area under this section.

7 ~~(c)~~ **(d)** ADVISORY. Before exercising their rights, powers, and
 8 duties of the advisory planning law with respect to an area designated
 9 under this section, a municipal plan commission must file, with the
 10 recorder of the county in which the municipality is located, a
 11 description or map defining the limits of that area. If the commission
 12 revises the limits, it shall file, with the recorder, a revised description
 13 or map defining those revised limits.

14 ~~(d)~~ **(e)** ADVISORY. If any part of the contiguous unincorporated
 15 area within the potential jurisdiction of a municipal plan commission
 16 is also within the potential jurisdiction of another municipal plan
 17 commission, the first municipal plan commission may exercise
 18 territorial jurisdiction over that part of the area within the potential
 19 jurisdiction of both municipal plan commissions that equals the product
 20 obtained by multiplying a fraction, the numerator of which is the area
 21 within the corporate boundaries of that municipality and the
 22 denominator of which is the total area within the corporate boundaries
 23 of both municipalities times the area within the potential jurisdiction
 24 of both municipal plan commissions. Furthermore, this commission
 25 may exercise territorial jurisdiction within those boundaries, enclosing
 26 an area reasonably compact and regular in shape, that the municipal
 27 plan commission first acting designates.

28 ~~(e)~~ **(f)** ADVISORY. If the legislative body of a county adopts a
 29 comprehensive plan and ordinance covering the unincorporated areas
 30 of the county, a municipal plan commission may not exercise
 31 jurisdiction, as provided in this section, over any part of that
 32 unincorporated area unless it is authorized by ordinance of the
 33 legislative body of the county. This ordinance may be initiated by the
 34 county legislative body or by petition duly signed and presented to the
 35 county auditor by:

- 36 (1) not less than fifty (50) property owners residing in the area
 37 involved in the petition;
 38 (2) the county plan commission; or
 39 (3) the municipal plan commission.

40 Before final action on the ordinance by the county legislative body, the
 41 county plan commission must hold an advertised public hearing as
 42 required for other actions of the county plan commission under the
 43 advisory planning law. Upon the passage of the ordinance by the
 44 county legislative body and the subsequent acceptance of jurisdiction
 45 by the municipal plan commission, the municipal plan commission
 46 shall exercise the same rights, powers, and duties conferred in this

1 section exclusively with respect to the contiguous unincorporated area.
 2 The jurisdiction of a municipal plan commission, as authorized under
 3 this subsection, may be terminated by ordinance at the discretion of the
 4 legislative body of the county, but only if the county has adopted a
 5 comprehensive plan for that area that is as comprehensive in scope and
 6 subject matter as that in effect by municipal ordinance.

7 ~~(f)~~ **(g)** ADVISORY. Each municipal plan commission in a
 8 municipality located in a county having:

- 9 (1) a population of less than ninety-five thousand (95,000); and
- 10 (2) a county plan commission that has adopted, in accord with the
 11 advisory planning law, a comprehensive plan and ordinance
 12 covering the unincorporated areas of the county;

13 may, at any time, after filing notice with the county recorder and the
 14 county plan commission, exercise or reject territorial jurisdiction over
 15 any part of the area within two (2) miles of the corporate boundaries of
 16 that municipality and within that county, whether or not that
 17 commission has previously exercised that jurisdiction, if the
 18 municipality is providing municipal services to the area. Within sixty
 19 (60) days after receipt of that notice, the county plan commission and
 20 the county legislative body shall have the county comprehensive plan
 21 and ordinance revised to reflect the decision of the municipal plan
 22 commission exercising the option provided for in this subsection. If the
 23 municipality is not providing municipal services to the area, the
 24 municipal plan commission must obtain the approval of the county
 25 legislative body of each affected county before exercising jurisdiction.

26 ~~(g)~~ **(h)** AREA. Wherever in the area planning law authority is
 27 conferred to establish a comprehensive plan or an ordinance for its
 28 enforcement, the authority applies everywhere:

- 29 (1) within the county that is outside the municipalities; and
- 30 (2) within each participating municipality.

31 ~~(h)~~ **(i)** ADVISORY—AREA. Whenever a new town is incorporated
 32 in a county having a county plan commission or an area plan
 33 commission, that plan commission and its board of zoning appeals shall
 34 continue to exercise territorial jurisdiction within the town until the
 35 effective date of a town ordinance:

- 36 (1) establishing an advisory plan commission under section
 37 202(a) of this chapter; or
- 38 (2) adopting the area planning law under section 202(b) or 204 of
 39 this chapter.

40 Beginning on that effective date, the planning and zoning functions of

- 1 the town shall be exercised under the advisory planning law or area
- 2 planning law, as the case may be."
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1298 as printed January 19, 2016.)

Representative Goodin