

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	4

MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1491, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, between lines 25 and 26, begin a new paragraph and insert:
- 2 "SECTION 3. IC 36-4-3-2.1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) A municipality
- 4 may adopt an ordinance under this chapter ~~only~~ **not less than sixty**
- 5 **(60) days** after the legislative body has held a public hearing
- 6 concerning the proposed annexation. All interested parties must have
- 7 the opportunity to testify as to the proposed annexation.
- 8 **(b)** Notice of the hearing shall be published in accordance with
- 9 IC 5-3-1.
- 10 **(c) If the ordinance is introduced under section 3 or 4 of this**
- 11 **chapter, notice of the public hearing must also be sent by certified**
- 12 **mail to:**
- 13 **(1) persons owning real property within the territory**
- 14 **proposed to be annexed as appearing on the records of the**

1 **county auditor at least fifteen (15) days before the hearing;**
2 **(2) the county:**
3 **(A) auditor;**
4 **(B) assessor;**
5 **(C) clerk; and**
6 **(D) executive;**
7 **of each county that contains territory within the proposed**
8 **annexation area; and**
9 **(3) the township:**
10 **(A) trustee; and**
11 **(B) assessor;**
12 **of each township that contains territory within the proposed**
13 **annexation area."**

14 Page 3, line 28, after "Sec. 2.2." insert **"(a) Except as provided in**
15 **subsection (b), before"**.

16 Page 3, line 28, delete "Before".

17 Page 4, between lines 15 and 16, begin a new paragraph and insert:
18 **"(b) A municipality may adopt an annexation ordinance without**
19 **a written fiscal plan if:**

20 **(1) the annexation was initiated by at least fifty percent (50%)**
21 **of:**
22 **(A) the owners of land in the proposed annexation area; or**
23 **(B) the owners of assessed valuation of land in the**
24 **proposed annexation area; and**
25 **(2) the**
26 **(A) property owners identified in subdivision (1); and**
27 **(B) officials of the annexing municipality;**
28 **agree on the terms and conditions of the annexation."**

29 Page 8, between lines 5 and 6, begin a new paragraph and insert:

30 "SECTION 11. IC 36-4-3-11.7 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 1999]: **Sec. 11.7. (a) A municipality that**
33 **obtains from an owner of real property a waiver against**
34 **remonstrance as a condition of receiving one (1) or more municipal**
35 **services shall record the waiver with the county recorder of each**
36 **county in which the territory that is the subject of the waiver is**
37 **located.**

38 **(b) A waiver obtained under this section is enforceable against**

1 **all subsequent owners of any part of the real property that is the**
2 **subject of the waiver."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1491 as introduced.)

and when so amended that said bill do pass.

Representative Stevenson