

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1608 be amended to read as follows:

- 1 Page 4, line 4, strike "subsection" and insert "**subsections**".
- 2 Page 4, line 4, after "(e)" insert "**and (f)**".
- 3 Page 5, line 37, reset in roman, "This subsection".
- 4 Page 5, line 37, after "applies only" insert "**does not apply**".
- 5 Page 5, line 37, reset in roman "to cities located in a county having".
- 6 Page 5, reset in roman line 38.
- 7 Page 5, line 39, reset in roman "than three hundred thousand
- 8 (300,000)".
- 9 Page 5, line 39, strike "This subsection does".
- 10 Page 5, line 40, strike "not apply".
- 11 Page 5, line 40, delete "to an annexation by a city located in a
- 12 county having a".
- 13 Page 5, delete line 41.
- 14 Page 5, line 42, delete "than three hundred thousand (300,000)".
- 15 Page 5, line 42, strike "if on April 1, 1993, the entire".
- 16 Page 6, strike lines 1 through 2.
- 17 Page 6, line 3, strike "municipalities".
- 18 Page 6, line 15, reset in roman "One (1) of the following opposes the
- 19 annexation:".
- 20 Page 6, line 15, delete "The".
- 21 Page 6, delete line 16.
- 22 Page 6, line 17, reset in roman "(i)".
- 23 Page 6, line 17, after "majority" insert "**At least sixty-five percent**
- 24 **(65%)**".
- 25 Page 6, line 17, reset in roman "of the owners of land in the territory
- 26 proposed".
- 27 Page 6, reset in roman lines 18 through 21.
- 28 Page 6, delete lines 22 through 31.
- 29 Page 6, between lines 33 and 34, begin a new paragraph and insert:
- 30 "**(f) This subsection applies only to cities located in a county**
- 31 **having a population of more than two hundred thousand (200,000)**
- 32 **but less than three hundred thousand (300,000). However, this**
- 33 **subsection does not apply if on April 1, 1993, the entire boundary**

1 of the territory that is proposed to be annexed was contiguous to
 2 territory that was within the boundaries of one (1) or more
 3 municipalities. At the hearing under section 12 of this chapter, the
 4 court shall do the following:

5 (1) Consider evidence on the conditions listed in subdivision
 6 (2).

7 (2) Order a proposed annexation not to take place if the court
 8 finds that all of the following conditions exist in the territory
 9 proposed to be annexed:

10 (A) The following services are adequately furnished by a
 11 provider other than the municipality seeking the
 12 annexation:

13 (i) Police and fire protection.
 14 (ii) Street and road maintenance.

15 (B) The annexation will have a significant financial impact
 16 on the residents or owners of land.

17 (C) One (1) of the following opposes the annexation:

18 (i) A majority of the owners of land in the territory
 19 proposed to be annexed.
 20 (ii) The owners of more than seventy-five percent (75%)
 21 in assessed valuation of the land in the territory
 22 proposed to be annexed.

23 Evidence of opposition may be expressed by any owner of
 24 land in the territory proposed to be annexed."
 25 Page 6, line 34, strike "(f)" and insert "(g)".
 (Reference is to EHB 1608 as printed April 6, 1999.)

Senator ZAKAS