

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 167, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 36-4-3-2.1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. A municipality
5 may adopt an ordinance under this chapter ~~only~~ **not earlier than thirty**
6 **(30) days** after the legislative body has held a public hearing
7 concerning the proposed annexation. All interested parties must have
8 the opportunity to testify as to the proposed annexation. Notice of the
9 hearing shall be:
10 **(1) published in accordance with IC 5-3-1 except that the notice**
11 **shall be published at least sixty (60) days before the hearing;**
12 **and**
13 **(2) mailed as set forth in section 2.2 of this chapter.**
14 SECTION 2. IC 36-4-3-2.2 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 1999]: Sec. 2.2. **(a) Before a municipality may annex territory,**
17 **the municipality shall provide written notice of the hearing**
18 **required under section 2.1 of this chapter. The notice shall be**
19 **mailed at least sixty (60) days before the date of the hearing to each**
20 **owner of real property, as shown on the county auditor's current**

1 tax list, whose real property is located within the territory
2 proposed to be annexed.

3 (b) The notice required by this section must include the
4 following:

5 (1) A legal description of the real property proposed to be
6 annexed.

7 (2) The date, time, location, and subject of the hearing.

8 (3) A map of the current municipal boundaries and a map of
9 the proposed municipal boundaries.

10 (4) Current zoning classifications for the area proposed to be
11 annexed and any proposed zoning changes for the area
12 proposed to be annexed.

13 (5) The fiscal plan described in section 13 of this chapter.

14 (6) The name and telephone number of a representative of the
15 municipality who may be contacted for further information.

16 (c) If the municipality complies with this section, the notice is
17 not invalidated if the owner does not receive the notice.

18 SECTION 3. IC 36-4-3-2.3 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 1999]: **Sec. 2.3. Before a municipality adopts an annexation
21 ordinance, the municipality shall develop a written fiscal plan as
22 set forth in section 13(d) of this chapter."**

23 Page 2, between lines 22 and 23, begin a new paragraph and insert:

24 "SECTION 5. IC 36-4-3-15 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The court's
26 judgment under section 12 or 15.5 of this chapter must specify the
27 annexation ordinance on which the remonstrance is based. The clerk of
28 the court shall deliver a certified copy of the judgment to the clerk of
29 the municipality. The clerk of the municipality shall:

30 (1) record the judgment in the clerk's ordinance record; and

31 (2) make a cross-reference to the record of the judgment on the
32 margin of the record of the annexation ordinance.

33 (b) If a judgment under section 12 or 15.5 of this chapter is adverse
34 to annexation, the municipality may not make further attempts to annex
35 the territory during the ~~two (2)~~ **four (4)** years after the later of:

36 (1) the judgment of the circuit or superior court; or

37 (2) the date of the final disposition of all appeals to a higher court;

38 unless the annexation is petitioned for under section 5 of this chapter.

- 1 (c) If a judgment under section 12 or 15.5 of this chapter orders the
- 2 annexation to take place, the annexation is effective when the clerk of
- 3 the municipality complies with the filing requirement of section 22(a)
- 4 of this chapter."
- 5 Renumber all SECTIONS consecutively.
(Reference is to SB 167 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Merritt

Chairperson