



February 18, 2000

**ENGROSSED
HOUSE BILL No. 1228**

DIGEST OF HB 1228 (Updated February 16, 2000 2:38 PM - DI 87)

Citations Affected: IC 36-4.

Synopsis: Consensual annexations. Provides that if an annexation is with the written consent of all property owners within the area to be annexed, notice of the public hearing on the annexation must be: (1) published one time at least twenty days before the hearing; and (2) given to the property owners within the area to be annexed not later than twenty days before the hearing. (Current law provides that notice by publication and by certified mail must be at least 60 days before the hearing.)

Effective: July 1, 2000.

Moses, Alderman

(SENATE SPONSORS — LONG, LEWIS, ANTICH)

January 10, 2000, read first time and referred to Committee on Local Government.
January 19, 2000, reported — Do Pass.
January 24, 2000, read second time, ordered engrossed.
January 25, 2000, engrossed.
January 27, 2000, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

January 28, 2000, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 17, 2000, amended, reported favorably — Do Pass.

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February 18, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1228

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-4-3-2.1, AS AMENDED BY P.L.248-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]: Sec. 2.1. (a) A municipality may adopt an ordinance
4 under this chapter only after the legislative body has held a public
5 hearing concerning the proposed annexation. The municipality shall
6 hold the public hearing not earlier than sixty (60) days after the date the
7 ordinance is introduced. All interested parties must have the
8 opportunity to testify as to the proposed annexation. **Except as**
9 **provided in subsection (c)**, notice of the 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; and
12 (2) mailed as set forth in section 2.2 of this chapter, if section 2.2
13 of this chapter applies to the annexation.
14 (b) A municipality may adopt an ordinance under this chapter not
15 earlier than thirty (30) days or not later than sixty (60) days after the
16 legislative body has held the public hearing under subsection (a).
17 (c) **This subsection applies to an annexation under section 3 or**

EH 1228—LS 7125/DI 87+



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1 **4 of this chapter in which all property owners within the area to be**
 2 **annexed provide written consent to the annexation. Notice of the**
 3 **hearing shall be:**

4 **(1) published one (1) time at least twenty (20) days before the**
 5 **hearing in accordance with IC 5-3-1; and**

6 **(2) mailed as set forth in section 2.2 of this chapter.**

7 SECTION 2. IC 36-4-3-2.2, AS ADDED BY P.L.217-1999,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2000]: Sec. 2.2. (a) This section does not apply to an
 10 annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this
 11 chapter.

12 (b) Before a municipality may annex territory, the municipality shall
 13 provide written notice of the hearing required under section 2.1 of this
 14 chapter. **Except as provided in subsection (e)**, the notice must be sent
 15 by certified mail at least sixty (60) days before the date of the hearing
 16 to each owner of real property, as shown on the county auditor's current
 17 tax list, whose real property is located within the territory proposed to
 18 be annexed.

19 (c) The notice required by this section must include the following:

20 (1) A legal description of the real property proposed to be
 21 annexed.

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

23 (3) A map showing the current municipal boundaries and the
 24 proposed municipal boundaries.

25 (4) Current zoning classifications for the area proposed to be
 26 annexed and any proposed zoning changes for the area proposed
 27 to be annexed.

28 (5) A detailed summary of the fiscal plan described in section 13
 29 of this chapter.

30 (6) The location where the public may inspect and copy the fiscal
 31 plan.

32 (7) A statement that the municipality will provide a copy of the
 33 fiscal plan after the fiscal plan is adopted immediately to any
 34 landowner in the annexed territory who requests a copy.

35 (8) The name and telephone number of a representative of the
 36 municipality who may be contacted for further information.

37 (d) If the municipality complies with this section, the notice is not
 38 invalidated if the owner does not receive the notice.

39 **(e) This subsection applies to an annexation under section 3 or**
 40 **4 of this chapter in which all property owners within the area to be**
 41 **annexed provide written consent to the annexation. The written**
 42 **notice described in this section must be sent by certified mail not**

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1 later than twenty (20) days before the date of the hearing to each
2 owner of real property, as shown on the county auditor's current
3 tax list, whose real property is located within the territory
4 proposed to be annexed.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1228, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 10, nays 0.

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SENATE MOTION

Mr. President: I move that Senator Antich be added as cosponsor of Engrossed House Bill 1228.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1228, 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:

Page 2, line 2, after "annexed" insert "**provide written**".

Page 2, line 3, delete "ten (10)" and insert "**twenty (20)**".

Page 2, line 40, after "annexed" insert "**provide written**".

Page 2, line 41, delete "ten (10)" and insert "**twenty (20)**".

and when so amended that said bill do pass.

(Reference is to HB 1228 as printed January 20, 2000.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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