CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1125

Citations Affected: IC 8-23-8-10; IC 36-4-3-2.2.

Synopsis: Highway matters. Proposed conference committee report for EHB 1125. Adds three intersections to the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 that is a limited access facility, with certain conditions. Requires a municipality to send written notice of the hearing on an annexation ordinance to property owners whose property is located outside the proposed annexed area but is adjacent to a right-of-way of a road or street that forms one of the boundaries of the area. **(This conference committee report deletes the contents of EHB 1125 as printed February 17, 2010, and inserts the following: (1) Adds three intersections to the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 that is a limited access facility, with certain conditions. (2) Requires a municipality to send written notice of the hearing on an annexation ordinance to property owners whose property is located outside the proposed annexed area but is adjacent to a right-of-way of a road or street that forms one of the boundaries of the area.)**

Effective: Upon passage; July 1, 2010.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1125 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-23-8-10, AS ADDED BY P.L.182-2009(ss), SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section, "designated highway" refers to the highway designated as a limited access facility under subsection (b).

(b) The department shall designate and do all acts necessary to establish the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 as a limited access facility. The designated highway shall be in operation as a limited access facility beginning not later than January 1, 2009.

(c) Neither the department nor any political subdivision may authorize any additional curb cuts or intersections after January 1, 2009, on the designated highway. The department shall limit intersections on the designated highway to the following locations:

(1) U.S. Highway 20 bypass.

(2) Ireland Road.

~~(2)~~ **(3)** Dragoon Trail.

~~(3)~~ **(4)** Twelfth Street (also known as Harrison Road).

~~(4)~~ **(5)** Indiana 933 (also known as Lincoln Way).

~~(5)~~ **(6)** Jefferson Boulevard.

~~(6)~~ **(7)** McKinley Highway.

~~(7)~~ **(8)** Day Road.

(9) Douglas Road.

~~(8)~~ **(10)** Cleveland Road.

(11) Joseph D. Zappia Boulevard directly across from the Indiana Toll Road interchange.

~~(9)~~ **(12)** State Road 23.

(d) No traffic signal may be erected at the intersection described in subsection (c)(2).

SECTION 2. IC 36-4-3-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.2. (a) This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter or an annexation described in section 5.1 of this chapter.

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

(c) For purposes of an annexation of territory described in section 2.5 of this chapter, if the hearing required under section 2.1 of this chapter is conducted after June 30, 2010, the notice required by this section must also be sent to each owner of real property, as shown on the county auditor's current tax list, whose real property is adjacent to contiguous areas of rights-of-way of the public highway that are only included in the annexation of territory by operation of IC 36-4-3-2.5 on the side of the public highway that is not part of the annexed territory.

~~(c)~~ **(d)** The notice required by this section must include the following:

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

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

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

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

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

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

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

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

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

~~(e)~~ **(f)** This subsection applies to an annexation under section 3 or

4 of this chapter in which all property owners within the area to be annexed provide written consent to the annexation. The written notice described in this section must be sent by certified mail not later than twenty (20) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.

SECTION 3. **An emergency is declared for this act.**

(Reference is to EHB 1125 as printed February 17, 2010.)

Conference Committee Report
on
Engrossed House Bill 1125

Signed by:

_____	_____
Representative Fry Chairperson	Senator Zakas
_____	_____
Representative Walorski	Senator Broden
House Conferees	**Senate Conferees**