

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1273 be amended to read as follows:

1 Page 4, after line 8, begin a new paragraph and insert:  
2 "SECTION 2. IC 36-4-3-17.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2013]: **Sec. 17.5. (a) A municipality:**  
5 **(1) of which more than thirty percent (30%) consists of real**  
6 **property assessed as agricultural; and**  
7 **(2) that attained the percentage of agricultural property**  
8 **described in subdivision (1) as a result of an annexation**  
9 **ordinance adopted by the municipality that was effective after**  
10 **June 30, 2003;**  
11 **shall, not later than September 1, 2013, determine the effective date**  
12 **of the annexation ordinance described in subdivision (2).**  
13 **(b) The municipality shall publish, in accordance with IC 5-3-1,**  
14 **a notice of the effective date of the ordinance determined under this**  
15 **subsection. The municipality shall publish in the notice the**  
16 **following statement:**  
17 **"If you are an owner of property that was annexed into the**  
18 **city of (insert name of city or town) after June 30, 2003, you**  
19 **may file a petition to disannex your land with the county**  
20 **council of (insert name) County. In order to be eligible, your**  
21 **petition must be filed with the county council of (insert name)**  
22 **County not later than July 1, 2014."**  
23 **The notice must be published under this subsection at least four (4)**  
24 **times at least one (1) month apart.**  
25 **(c) A landowner that meets the following requirements may file**

1 a petition for disannexation with the legislative body of the county  
 2 in which the majority of the municipality is located, not later than  
 3 July 1, 2014:

4 (1) The landowner's land was annexed after June 30, 2003.

5 (2) The owner did not consent to the annexation. The fact that  
 6 the owner's property is subject to a waiver of remonstrance  
 7 for the provision of sewer service does not constitute consent  
 8 under this section.

9 (3) The owner's land was not annexed under section 4(h), 4.1,  
 10 5, or 5.1 of this chapter.

11 (d) The county legislative body shall grant or deny the petitions  
 12 for disannexation filed in accordance with subsection (a) in the  
 13 reverse order in which the properties that are the subject of the  
 14 petitions were annexed to the municipality, regardless of the date  
 15 the petitions are filed with the county legislative body. Petitions  
 16 regarding land annexed in the most recent annexations shall be  
 17 granted first, followed by the next earlier annexations.

18 (e) The county legislative body shall consider a petition at a  
 19 public hearing and make an order granting or denying the petition.  
 20 The county legislative body shall grant a petition for disannexation  
 21 that meets the requirements of this section. The county legislative  
 22 body shall issue an order on all petitions not later than February  
 23 1, 2015.

24 SECTION 3. IC 36-4-3-18 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) An order under  
 26 section 17 or 17.5 of this chapter may be appealed to the circuit court  
 27 for the county in which any part of the affected territory is located. If  
 28 an appeal is brought, the matters determined at the original hearing  
 29 shall be tried de novo, and the circuit court's order may be appealed in  
 30 the same manner as other civil actions are tried and appealed. The  
 31 municipality involved in the disannexation may, by its attorney, appear  
 32 and defend its interests in the proceeding.

33 (b) The appellant or appellants in the circuit court shall give to the  
 34 clerk of the municipality a bond:

35 (1) with a solvent, freehold surety who is a resident of the county  
 36 in which the territory is located;

37 (2) conditioned on the due prosecution of the appeal and the  
 38 payment of all costs accrued by or to accrue against the appellant  
 39 or appellants; and

40 (3) in a sum considered adequate by the clerk.

41 If he approves the bond, the clerk shall immediately make a transcript  
 42 of all proceedings in the cause and certify it, together with all papers in  
 43 the cause, to the clerk of the court in which the appeal is filed.

44 (c) On an appeal under this section, a court may make orders  
 45 concerning streets and alleys, including their vacation, and award  
 46 damages.

47 SECTION 4. IC 36-4-3-19, AS AMENDED BY P.L.113-2010,

1 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) If disannexation is ordered  
 3 under this chapter by the works board of a municipality **or the county**  
 4 **legislative body under section 17.5 of this chapter** and no appeal is  
 5 taken, the clerk of the municipality shall, without compensation and not  
 6 later than ten (10) days after the order is made, make and certify a  
 7 complete transcript of the disannexation proceedings to the auditor of  
 8 each county in which the disannexed lots or lands lie and to the office  
 9 of the secretary of state. The county auditor shall list those lots or lands  
 10 appropriately for taxation. The proceedings of the works board shall not  
 11 be certified to the county auditor or to the office of the secretary of state  
 12 if an appeal to the circuit court has been taken.

13 (b) In all proceedings begun in or appealed to the circuit court, if  
 14 vacation or disannexation is ordered, the clerk of the court shall  
 15 immediately after the judgment of the court, or after a decision on  
 16 appeal to the supreme court or court of appeals if the judgment on  
 17 appeal is not reversed, certify the judgment of the circuit court, as  
 18 affirmed or modified, to each of the following:

19 (1) The auditor of each county in which the lands or lots affected  
 20 lie, on receipt of one dollar (\$1) for the making and certifying of  
 21 the transcript from the petitioners for the disannexation.

22 (2) The office of the secretary of state.

23 (3) The circuit court clerk of each county in which the lands or  
 24 lots affected are located.

25 (4) The county election board of each county in which the lands  
 26 or lots affected are located.

27 (5) If a board of registration exists, the board of each county in  
 28 which the lands or lots affected are located.

29 (6) The office of census data established by IC 2-5-1.1-12.2.

30 (c) The county auditor shall forward a list of lots or lands  
 31 disannexed under this section to the following:

32 (1) The county highway department of each county in which the  
 33 lands or lots affected are located.

34 (2) The county surveyor of each county in which the lands or lots  
 35 affected are located.

36 (3) Each plan commission, if any, that lost or gained jurisdiction  
 37 over the disannexed territory.

38 (4) The township trustee of each township that lost or gained  
 39 jurisdiction over the disannexed territory.

40 (5) The sheriff of each county in which the lands or lots affected  
 41 are located.

42 (6) The office of the secretary of state.

43 (7) The office of census data established by IC 2-5-1.1-12.2.

44 The county auditor may require the clerk of the municipality to furnish  
 45 an adequate number of copies of the list of disannexed lots or lands or  
 46 may charge the clerk a fee for photoreproduction of the list.

47 (d) A disannexation described by this section takes effect upon the

- 1 clerk of the municipality filing the order with:
- 2 (1) the county auditor of each county in which the annexed
- 3 territory is located; and
- 4 (2) the circuit court clerk, or if a board of registration exists, the
- 5 board of each county in which the annexed territory is located.
- 6 (e) The clerk of the municipality shall notify the office of the
- 7 secretary of state and the office of census data established by
- 8 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
- 9 chapter.
- 10 (f) A disannexation order under this chapter may not take effect
- 11 during the year preceding a year in which a federal decennial census is
- 12 conducted. A disannexation order that would otherwise take effect
- 13 during the year preceding a year in which a federal decennial census is
- 14 conducted takes effect January 1 of the year in which a federal
- 15 decennial census is conducted."
- 16 Renumber all SECTIONS consecutively.  
(Reference is to HB 1273 as printed February 12, 2013.)

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Representative Thompson