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WITHDRAWN	Noes _____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:

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 17.5. (a) A municipality:**

(1) of which more than seventy percent (70%) consists of real property assessed as agricultural; and

(2) that attained the percentage of agricultural property described in subdivision (1) as a result of an annexation ordinance adopted by the municipality that was effective after June 30, 2003;

shall, not later than September 1, 2013, determine the effective date of the annexation ordinance described in subdivision (2).

(b) The municipality shall publish, in accordance with IC 5-3-1, a notice of the effective date of the ordinance determined under this subsection. The municipality shall publish in the notice the following statement:

"If you are an owner of property that was annexed into the city of (insert name of city or town) after June 30, 2003, you may file a petition to disannex your land with the county council of (insert name) County. In order to be eligible, your petition must be filed with the county council of (insert name) County not later than July 1, 2014."

The notice must be published under this subsection at least four (4) times at least one (1) month apart.

(c) A landowner that meets the following requirements may file

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The office of the secretary of state.

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

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

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

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

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

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

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

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

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

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

(6) The office of the secretary of state.

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

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

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

clerk of the municipality filing the order with:

(1) the county auditor of each county in which the annexed territory is located; and

(2) the circuit court clerk, or if a board of registration exists, the board of each county in which the annexed territory is located.

(e) The clerk of the municipality shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date a disannexation is effective under this chapter.

(f) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1273 as printed February 12, 2013.)

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Representative Thompson