



Reprinted  
February 1, 2019

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## SENATE BILL No. 94

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DIGEST OF SB 94 (Updated January 31, 2019 2:12 pm - DI 87)

**Citations Affected:** IC 13-18; IC 36-4; IC 36-9.

**Synopsis:** Annexation. Provides, with certain exceptions, that the following apply to annexations for which an annexation ordinance is adopted after April 30, 2019: (1) A municipality initiating an annexation must file a petition with the court signed by at least: (A) 51% of the owners of land that is not exempt from property taxes in the annexation territory; or (B) the owners of more than 75% in assessed valuation of land that is not exempt from property taxes in the annexation territory. (2) If the petition filed by the municipality has enough signatures, the court must hold a hearing to review the annexation. (3) Adds provisions regarding the validity of a signature on an annexation petition. (4) Eliminates the remonstrance procedure for annexations and reimbursement of remonstrator's attorney's fees and costs. (5) Voids remonstrance waivers. (6) Provides that a settlement agreement in lieu of annexation that is executed after April 30, 2019, is void. (7) Eliminates provisions regarding the contiguity of a public highway. Eliminates provisions that prohibit an annexation from taking effect in the year preceding the year that a federal decennial census is conducted.

**Effective:** Upon passage.

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## Boots, Head, Doriot

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January 3, 2019, read first time and referred to Committee on Local Government.  
January 28, 2019, reported favorably — Do Pass.  
January 31, 2019, read second time, amended, ordered engrossed.

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SB 94—LS 6228/DI 87





Reprinted  
February 1, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 94

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 13-18-15-2, AS AMENDED BY P.L.228-2015,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 2. (a) The persons involved shall negotiate the  
4 terms for connection and service under this chapter.  
5 (b) If service is ordered under this chapter, a receiver of that service  
6 that is located in an unincorporated area may grant a waiver to a  
7 municipality providing the service. A waiver under this section:  
8 (1) must waive the receiver's right of remonstrance against  
9 annexation of the areas in which the service is to be provided; and  
10 (2) may be one (1) of the terms for connection and service  
11 described in subsection (a).  
12 (c) The waiver, if granted:  
13 (1) shall be noted on the deed of each property affected and  
14 recorded as provided by law; and  
15 (2) is considered a covenant running with the land.  
16 (d) ~~Notwithstanding any other law, a waiver of the right of~~  
17 ~~remonstrance executed after June 30, 2015, expires not later than~~

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1     ~~fifteen (15) years after the date the waiver was executed:~~

2     ~~(e) (d)~~ This subsection applies to any deed recorded after June 30,  
3     2015. This subsection applies only to property that is subject to a  
4     remonstrance waiver. A municipality shall, within a reasonable time  
5     after the recording of a deed to property located within the  
6     municipality, provide written notice to the property owner that a waiver  
7     of the right of remonstrance exists with respect to the property.

8     **(e) Notwithstanding any other law, a waiver of the right of**  
9     **remonstrance is valid and binding on a landowner or a successor**  
10    **in title only with regard to an annexation for which the annexation**  
11    **ordinance was adopted before May 1, 2019.**

12    SECTION 2. IC 36-4-3-1.5, AS AMENDED BY P.L.206-2016,  
13    SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14    UPON PASSAGE]: Sec. 1.5. (a) For purposes of this chapter, territory  
15    sought to be annexed may be considered "contiguous" only if at least  
16    one-eighth (1/8) of the aggregate external boundaries of the territory  
17    coincides with the boundaries of the annexing municipality. In  
18    determining if a territory is contiguous, a strip of land less than one  
19    hundred fifty (150) feet wide that connects the annexing municipality  
20    to the territory is not considered a part of the boundaries of either the  
21    municipality or the territory.

22    (b) This subsection applies to an annexation for which an  
23    annexation ordinance is adopted after June 30, 2015, **and before May**  
24    **1, 2019.** A public highway or the rights-of-way of a public highway are  
25    contiguous to:

26       (1) the municipality; or

27       (2) property in the unincorporated area adjacent to the public  
28       highway or rights-of-way of a public highway;

29    if the public highway or the rights-of-way of a public highway are  
30    contiguous under subsection (a) and one (1) of the requirements in  
31    subsection (c) is satisfied.

32    (c) **This subsection applies to an annexation for which an**  
33    **annexation ordinance is adopted after June 30, 2015, and before**  
34    **May 1, 2019.** A public highway or the rights-of-way of a public  
35    highway are not contiguous unless one (1) of the following  
36    requirements is met:

37       (1) The municipality obtains the written consent of the owners of  
38       all property:

39           (A) adjacent to the entire length of the part of the public  
40           highway and rights-of-way of the public highway that is being  
41           annexed; and

42           (B) not already within the corporate boundaries of the



1 municipality.

2 A waiver of the right of remonstrance executed by a property  
3 owner or a successor in title of the property owner for sewer  
4 services or water services does not constitute written consent for  
5 purposes of this subdivision.

6 (2) All property adjacent to at least one (1) side of the entire  
7 length of the part of the public highway or rights-of-way of the  
8 public highway being annexed is already within the corporate  
9 boundaries of the municipality.

10 (3) All property adjacent to at least one (1) side of the entire  
11 length of the part of the public highway or rights-of-way of the  
12 public highway being annexed is part of the same annexation  
13 ordinance in which the public highway or rights-of-way of a  
14 public highway are being annexed.

15 A municipality may not annex a public highway or the rights-of-way of  
16 a public highway or annex territory adjacent to the public highway or  
17 rights-of-way of a public highway unless the requirements of this  
18 section are met.

19 SECTION 3. IC 36-4-3-1.7, AS AMENDED BY P.L.206-2016,  
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 UPON PASSAGE]: Sec. 1.7. (a) This section applies only to an  
22 annexation ordinance adopted after June 30, 2015. This section does  
23 not apply to an annexation under section 5.1 of this chapter.

24 (b) Not earlier than six (6) months before a municipality introduces  
25 an annexation ordinance, the municipality shall conduct an outreach  
26 program to inform citizens regarding the proposed annexation. For an  
27 annexation under section 3 or 4 of this chapter, the outreach program  
28 must conduct at least six (6) public information meetings regarding the  
29 proposed annexation. For an annexation under section 5 of this chapter,  
30 the outreach program must conduct at least three (3) public information  
31 meetings regarding the proposed annexation. The public information  
32 meetings must provide citizens with the following information:

33 (1) Maps showing the proposed boundaries of the annexation  
34 territory.

35 (2) Proposed plans for extension of capital and noncapital  
36 services in the annexation territory, including proposed dates of  
37 extension.

38 (3) Expected fiscal impact on taxpayers in the annexation  
39 territory, including any increase in taxes and fees.

40 (c) The municipality shall provide notice of the dates, times, and  
41 locations of the outreach program meetings. The municipality shall  
42 publish the notice of the meetings under IC 5-3-1, including the date,



1 time, and location of the meetings, except that notice must be published  
 2 not later than thirty (30) days before the date of each meeting. The  
 3 municipality shall also send notice to each owner of land within the  
 4 annexation territory not later than thirty (30) days before the date of the  
 5 first meeting of the outreach program. The notice to landowners shall  
 6 be sent by first class mail, certified mail with return receipt requested,  
 7 or any other means of delivery that includes a return receipt and must  
 8 include the following information:

9 (1) The notice must inform the landowner that the municipality is  
 10 proposing to annex territory that includes the landowner's  
 11 property.

12 (2) The municipality is conducting an outreach program for the  
 13 purpose of providing information to landowners and the public  
 14 regarding the proposed annexation.

15 (3) The date, time, and location of the meetings to be conducted  
 16 under the outreach program.

17 (d) The notice shall be sent to the address of the landowner as listed  
 18 on the tax duplicate. If the municipality provides evidence that the  
 19 notice was sent:

20 (1) by certified mail, with return receipt requested or any other  
 21 means of delivery that includes a return receipt; and

22 (2) in accordance with this section;

23 it is not necessary that the landowner accept receipt of the notice.

24 **(e) This subsection applies only to an annexation for which an**  
 25 **annexation ordinance is adopted after June 30, 2015, and before**  
 26 **May 1, 2019.** If a remonstrance is filed under section 11 of this  
 27 chapter, the municipality shall file with the court proof that notices  
 28 were sent to landowners under this section and proof of publication.

29 ~~(e)~~ **(f)** The notice required under this section is in addition to any  
 30 notice required under sections 2.1 and 2.2 of this chapter.

31 SECTION 4. IC 36-4-3-3.1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This  
 33 section does not apply to an annexation under section 4(a)(2), 4(a)(3),  
 34 4(b), 4(h), or 4.1 of this chapter.

35 (b) A municipality shall develop and adopt a written fiscal plan and  
 36 establish a definite policy by resolution of the legislative body that  
 37 meets the requirements set forth in section 13 of this chapter.

38 (c) Except as provided in subsection (d), the municipality shall  
 39 establish and adopt the written fiscal plan before mailing the  
 40 notification to landowners in the territory proposed to be annexed  
 41 under section 2.2 of this chapter.

42 (d) In an annexation under section 5, ~~or 5.1~~, **or 5.5** of this chapter,



1 the municipality shall establish and adopt the written fiscal plan before  
2 adopting the annexation ordinance.

3 SECTION 5. IC 36-4-3-5, AS AMENDED BY P.L.149-2016,  
4 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 5. (a) This subsection applies only to a  
6 petition requesting annexation that is filed before July 1, 2015. If the  
7 owners of land located outside of but contiguous to a municipality want  
8 to have territory containing that land annexed to the municipality, they  
9 may file with the legislative body of the municipality a petition:

10 (1) signed by at least:

11 (A) fifty-one percent (51%) of the owners of land in the  
12 territory sought to be annexed; or

13 (B) the owners of seventy-five percent (75%) of the total  
14 assessed value of the land for property tax purposes; and

15 (2) requesting an ordinance annexing the area described in the  
16 petition.

17 (b) This subsection applies only to a petition requesting annexation  
18 that is filed after June 30, 2015. **A municipality may not collect**  
19 **signatures on an annexation petition that is filed with the legislative**  
20 **body under this section after April 30, 2019.** If the owners of land  
21 located outside of but contiguous to a municipality want to have  
22 territory containing that land annexed to the municipality, they may file  
23 with the legislative body of the municipality a petition that meets the  
24 following requirements:

25 (1) The petition is signed by at least one (1) of the following:

26 (A) Fifty-one percent (51%) of the owners of land in the  
27 territory sought to be annexed. An owner of land may not:

28 (i) be counted in calculating the total number of owners of  
29 land in the annexation territory; or

30 (ii) have the owner's signature counted;

31 with regard to any single property that the owner has an  
32 interest in that was exempt from property taxes under  
33 IC 6-1.1-10 or any other state law for the immediately  
34 preceding year.

35 (B) The owners of seventy-five percent (75%) of the total  
36 assessed value of the land for property tax purposes. Land that  
37 was exempt from property taxes under IC 6-1.1-10 or any  
38 other state law for the immediately preceding year may not be  
39 included in calculating the total assessed valuation of the land  
40 in the annexation territory. The court may not count an owner's  
41 signature on a petition with regard to any single property that  
42 the owner has an interest in that was exempt from property



1 taxes under IC 6-1.1-10 or any other state law for the  
2 immediately preceding year.

3 (2) The petition requests an ordinance annexing the area  
4 described in the petition.

5 (c) The petition circulated by the landowners must include on each  
6 page where signatures are affixed a heading that is substantially similar  
7 to the following:

8 "PETITION FOR ANNEXATION INTO THE (insert whether city  
9 or town) OF (insert name of city or town)."

10 (d) If the legislative body fails to pass the ordinance within one  
11 hundred fifty (150) days after the date of filing of a petition under  
12 subsection (a) or (b), the petitioners may file a duplicate copy of the  
13 petition in the circuit or superior court of a county in which the territory  
14 is located, and shall include a written statement of why the annexation  
15 should take place. Notice of the proceedings, in the form of a  
16 summons, shall be served on the municipality named in the petition.  
17 The municipality is the defendant in the cause and shall appear and  
18 answer.

19 (e) The court shall hear and determine the petition without a jury,  
20 and shall order the proposed annexation to take place only if the  
21 evidence introduced by the parties establishes that:

- 22 (1) essential municipal services and facilities are not available to  
23 the residents of the territory sought to be annexed;  
24 (2) the municipality is physically and financially able to provide  
25 municipal services to the territory sought to be annexed;  
26 (3) the population density of the territory sought to be annexed is  
27 at least three (3) persons per acre; and  
28 (4) the territory sought to be annexed is contiguous to the  
29 municipality.

30 If the evidence does not establish all four (4) of the preceding factors,  
31 the court shall deny the petition and dismiss the proceeding.

32 (f) This subsection does not apply to a town that has abolished town  
33 legislative body districts under IC 36-5-2-4.1. An ordinance adopted  
34 under this section must assign the territory annexed by the ordinance  
35 to at least one (1) municipal legislative body district.

36 SECTION 6. IC 36-4-3-5.1, AS AMENDED BY P.L.228-2015,  
37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]: Sec. 5.1. (a) Owners of land located outside but  
39 contiguous to a municipality may file a petition with the legislative  
40 body of the municipality:

- 41 (1) requesting an ordinance annexing the area described in the  
42 petition; and





- 1 (2) signed by:  
2 (A) one hundred percent (100%) of the landowners that reside  
3 within the territory that is proposed to be annexed, in the case  
4 of a petition filed before July 1, 2015; and  
5 (B) in the case of a petition filed after June 30, 2015, one  
6 hundred percent (100%) of the owners of land within the  
7 territory that is proposed to be annexed.
- 8 (b) Sections 2.1 and 2.2 of this chapter do not apply to an  
9 annexation under this section.
- 10 (c) The petition circulated by the landowners must include on each  
11 page where signatures are affixed a heading that is substantially similar  
12 to the following:  
13 "PETITION FOR ANNEXATION INTO THE (insert whether city  
14 or town) OF (insert name of city or town).".
- 15 (d) The municipality may:  
16 (1) adopt an annexation ordinance annexing the territory; and  
17 (2) adopt a fiscal plan and establish a definite policy by resolution  
18 of the legislative body;  
19 after the legislative body has held a public hearing on the proposed  
20 annexation.
- 21 (e) The municipality may introduce and hold the public hearing on  
22 the annexation ordinance not later than thirty (30) days after the  
23 petition is filed with the legislative body. Notice of the public hearing  
24 may be published one (1) time in accordance with IC 5-3-1 at least  
25 twenty (20) days before the hearing. All interested parties must have  
26 the opportunity to testify at the hearing as to the proposed annexation.
- 27 (f) The municipality may adopt the annexation ordinance not earlier  
28 than fourteen (14) days after the public hearing under subsection (e).
- 29 (g) A landowner may withdraw the landowner's signature from the  
30 petition not more than thirteen (13) days after the municipality adopts  
31 the fiscal plan by providing written notice to the office of the clerk of  
32 the municipality. If a landowner withdraws the landowner's signature,  
33 the petition shall automatically be considered a voluntary petition that  
34 is filed with the legislative body under section 5 of this chapter,  
35 fourteen (14) days after the date the fiscal plan is adopted. All  
36 provisions applicable to a petition initiated under section 5 of this  
37 chapter apply to the petition.
- 38 (h) If the municipality does not adopt an annexation ordinance  
39 within sixty (60) days after the landowners file the petition with the  
40 legislative body, the landowners may file a duplicate petition with the  
41 circuit or superior court of a county in which the territory is located.  
42 The court shall determine whether the annexation shall take place as



1 set forth in section 5 of this chapter.

2 ~~(i) A remonstrance under section 11 of this chapter may not be filed.~~  
 3 ~~However, an appeal under section 15.5 of this chapter may be filed.~~

4 ~~(j) (i) In the absence of an appeal under section 15.5 of this chapter,~~  
 5 ~~an annexation ordinance adopted under this section takes effect not less~~  
 6 ~~than thirty (30) days after the adoption of the ordinance and upon the~~  
 7 ~~filing and recording of the ordinance under section 22 of this chapter.~~

8 SECTION 7. IC 36-4-3-5.5 IS ADDED TO THE INDIANA CODE  
 9 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 10 **UPON PASSAGE]: Sec. 5.5. (a) This section does not apply to an**  
 11 **annexation under section 5 or 5.1 of this chapter.**

12 **(b) This section applies only to an annexation for which an**  
 13 **annexation ordinance is adopted after April 30, 2019.**

14 **(c) After a municipality meets the requirements under sections**  
 15 **2.1 and 2.2 of this chapter, and adopts an annexation ordinance**  
 16 **under section 3 or 4 of this chapter, in order for the annexation to**  
 17 **proceed, the municipality must file a written petition under**  
 18 **subsection (f), signed by owners of land in the territory proposed**  
 19 **to be annexed who are in favor of the annexation. The petition**  
 20 **must be signed by:**

21 **(1) at least fifty-one percent (51%) of the owners of land:**

22 **(A) not exempt from property taxes under IC 6-1.1-10 or**  
 23 **any other state law; and**

24 **(B) in the territory proposed to be annexed; or**

25 **(2) the owners of more than seventy-five percent (75%) in**  
 26 **assessed valuation of land:**

27 **(A) not exempt from property taxes under IC 6-1.1-10 or**  
 28 **any other state law; and**

29 **(B) in the territory proposed to be annexed.**

30 **(d) The petition circulated by the municipality must include on**  
 31 **each page where signatures are affixed a heading that is**  
 32 **substantially similar to the following:**

33 **"PETITION FOR ANNEXATION INTO THE (insert**  
 34 **whether city or town) OF (insert name of city or town)."**

35 **(e) A landowner may withdraw the landowner's signature from**  
 36 **the petition not more than ten (10) days after the municipality**  
 37 **adopts the annexation ordinance by providing written notice to the**  
 38 **office of the clerk of the municipality. A landowner who withdraws**  
 39 **the landowner's signature from the petition is considered not to**  
 40 **have signed the petition for purposes of subsection (h)(2).**

41 **(f) The municipality must file the petition with the circuit or**  
 42 **superior court of the county where the municipality is located not**



1 later than ninety (90) days after the publication of the annexation  
 2 ordinance under section 7 of this chapter. The petition must be  
 3 accompanied by:

- 4 (1) a copy of the ordinance; and  
 5 (2) the names and addresses of all persons who meet the  
 6 requirements of subsection (h).

7 (g) On receipt of the petition, the court shall determine whether  
 8 the petition has the necessary signatures. In determining the total  
 9 number of landowners of the territory proposed to be annexed and  
 10 whether signers of the petition are landowners, the names  
 11 appearing on the tax duplicate for that territory constitute prima  
 12 facie evidence of ownership. Only one (1) person having an interest  
 13 in each single property, as evidenced by the tax duplicate, is  
 14 considered a landowner for purposes of this section. A person is  
 15 entitled to sign a petition only one (1) time, regardless of whether  
 16 the person owns more than one (1) parcel of real property. If the  
 17 court determines that the municipality's petition has a sufficient  
 18 number of signatures, the court shall fix a time, not later than sixty  
 19 (60) days after its determination, for a hearing on the petition.

20 (h) A person may intervene as a party at the hearing described  
 21 in subsection (g) if the following requirements are satisfied:

- 22 (1) The person owns, solely or with another person, property  
 23 that is in the territory proposed to be annexed.  
 24 (2) None of the owners of the property signed the petition filed  
 25 by the municipality.  
 26 (3) The person appeared in person or submitted a  
 27 remonstrance or other document objecting to the annexation  
 28 into the record of the municipality's hearing on the  
 29 annexation ordinance under section 2.1 of this chapter.

30 The court shall give a person described in this subsection notice of  
 31 the hearing on the petition by certified mail.

32 SECTION 8. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 5.6. (a) This section applies only to an  
 35 annexation for which an annexation ordinance is adopted after  
 36 April 30, 2019.

37 (b) A waiver or release of the right of remonstrance by a  
 38 landowner or successor in title is void and may not be considered  
 39 or counted as a valid signature on a petition in favor of annexation  
 40 under section 5, 5.1, or 5.5 of this chapter.

41 (c) If with regard to a signature on a petition for annexation  
 42 under section 5, 5.1, or 5.5 of this chapter:



1           **(1) the validity of a signature is uncertain; and**  
2           **(2) this section does not establish a standard to be applied in**  
3           **the case;**  
4           **a reasonable doubt must be resolved in favor of the validity of the**  
5           **signature.**  
6           **(d) Whenever the name of an individual, as printed or signed,**  
7           **contains a minor variation from the name of the individual as set**  
8           **forth in the relevant county records, the signature is considered**  
9           **valid.**  
10           **(e) Whenever the residence address or mailing address of an**  
11           **individual contains a minor variation from the residence address**  
12           **or mailing address as set forth in the relevant county records, the**  
13           **signature is considered valid.**  
14           **(f) If the residence address or mailing address of an individual**  
15           **contains a substantial variation from the residence address or**  
16           **mailing address as set forth in the relevant county records, the**  
17           **signature is considered invalid.**  
18           **(g) If the signature of an individual does not substantially**  
19           **conform with the signature of the individual in relevant county**  
20           **records, the signature is considered invalid. In determining**  
21           **whether a signature substantially conforms with the signature in**  
22           **the relevant county records, consideration shall be given to**  
23           **whether that lack of conformity may reasonably be attributed to**  
24           **the age, disability, or impairment of the individual.**  
25           SECTION 9. IC 36-4-3-7, AS AMENDED BY P.L.86-2018,  
26           SECTION 342, IS AMENDED TO READ AS FOLLOWS  
27           [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) After an **annexation**  
28           ordinance is adopted, ~~under section 3, 4, 5, or 5.1 of this chapter,~~ **it the**  
29           **ordinance** must be published in the manner prescribed by IC 5-3-1.  
30           **(b) This subsection applies only to an annexation for which an**  
31           **annexation ordinance is adopted before May 1, 2019.** Except as  
32           provided in subsection ~~(b); (d); or (f);~~ **(c) or (d)**, in the absence of  
33           remonstrance and appeal under section 11 or 15.5 of this chapter, the  
34           ordinance takes effect at least ninety (90) days after its publication and  
35           upon the filing required by section 22(a) of this chapter.  
36           **(c) An annexation ordinance takes effect as follows:**  
37           **(1) This subdivision applies to an annexation under section 5**  
38           **of this chapter. Except as provided in subsection (d), in the**  
39           **absence of an appeal under section 15.5 of this chapter, the**  
40           **annexation ordinance takes effect at least ninety (90) days**  
41           **after its publication and upon filing under section 22(a) of this**  
42           **chapter.**



- 1           **(2) This subdivision applies to an annexation under section 5.1**
- 2           **of this chapter. Except as provided in subsection (d), in the**
- 3           **absence of an appeal under section 15.5 of this chapter, the**
- 4           **ordinance takes effect at least thirty (30) days after the**
- 5           **adoption of the ordinance and upon the filing under section**
- 6           **22(a) of this chapter.**
- 7           **(3) This subdivision applies to an annexation under section 5.5**
- 8           **of this chapter. Except as provided in subsection (d), if a final**
- 9           **and unappealable judgment under section 12 or 15.5 of this**
- 10           **chapter is entered in favor of the annexation, the annexation**
- 11           **is effective upon the filing under section 22(a) of this chapter.**
- 12           **(4) This subdivision applies to an annexation under section 7.1**
- 13           **of this chapter for which an annexation ordinance is adopted**
- 14           **after April 30, 2019. If a final and unappealable judgment**
- 15           **under section 12 or 15.5 of this chapter is entered in favor of**
- 16           **the annexation, the annexation is effective upon the filing**
- 17           **under section 22(a) of this chapter.**
- 18           (b) An ordinance described in subsection (d) or adopted under
- 19           section 3, 4, 5, or 5.1 of this chapter may not take effect during the year
- 20           preceding a year in which a federal decennial census is conducted. An
- 21           ordinance that would otherwise take effect during the year preceding
- 22           a year in which a federal decennial census is conducted takes effect
- 23           January 1 of the year in which a federal decennial census is conducted.
- 24           (c) Subsections (d) and (e) apply to fire protection districts that are
- 25           established after June 14, 1987.
- 26           **(d) This subsection applies only to a fire protection district**
- 27           **established after June 14, 1987. Except as provided in subsection (b);**
- 28           Whenever a municipality annexes territory, all or part of which lies
- 29           within a fire protection district (IC 36-8-11), the annexation ordinance,
- 30           in the absence of remonstrance and appeal under section 11 or 15.5 of
- 31           this chapter **(in the case of an annexation for which an annexation**
- 32           **ordinance is adopted before May 1, 2019) or in the absence of a**
- 33           **hearing or an appeal under section 12 or 15.5 of this chapter (in the**
- 34           **case of an annexation for which an annexation ordinance is**
- 35           **adopted after April 30, 2019),** takes effect the second January 1 that
- 36           follows the date the ordinance is adopted and upon the filing required
- 37           by section 22(a) of this chapter. The municipality shall:
- 38           (1) provide fire protection to that territory beginning **on** the date
- 39           the ordinance is effective; and
- 40           (2) send written notice to the fire protection district of the date the
- 41           municipality will begin to provide fire protection to the annexed
- 42           territory within ten (10) days of the date the ordinance is adopted.



1           (e) **This subsection applies only to a fire protection district**  
 2 **established after June 14, 1987.** If the fire protection district from  
 3 which a municipality annexes territory under subsection (d) is indebted  
 4 or has outstanding unpaid bonds or other obligations at the time the  
 5 annexation is effective, the municipality is liable for and shall pay that  
 6 indebtedness in the same ratio as the assessed valuation of the property  
 7 in the annexed territory (that is part of the fire protection district) bears  
 8 to the assessed valuation of all property in the fire protection district,  
 9 as shown by the most recent assessment for taxation before the  
 10 annexation, unless the assessed property within the municipality is  
 11 already liable for the indebtedness. The annexing municipality shall  
 12 pay its indebtedness under this section to the board of fire trustees. If  
 13 the indebtedness consists of outstanding unpaid bonds or notes of the  
 14 fire protection district, the payments to the board of fire trustees shall  
 15 be made as the principal or interest on the bonds or notes becomes due.

16           (f) ~~This subsection applies to an annexation initiated by property~~  
 17 ~~owners under section 5.1 of this chapter in which all property owners~~  
 18 ~~within the area to be annexed petition the municipality to be annexed.~~  
 19 ~~Subject to subsections (b) and (d); and in the absence of an appeal~~  
 20 ~~under section 15.5 of this chapter, an annexation ordinance takes effect~~  
 21 ~~at least thirty (30) days after its publication and upon the filing required~~  
 22 ~~by section 22(a) of this chapter.~~

23           SECTION 10. IC 36-4-3-7.1, AS AMENDED BY P.L.228-2015,  
 24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 UPON PASSAGE]: Sec. 7.1. (a) ~~Notwithstanding section 7(b) of this~~  
 26 ~~chapter, An ordinance adopted under section 4 of this chapter that~~  
 27 ~~meets the conditions set forth in subsection (b) takes effect as~~  
 28 ~~follows:~~

29           **(1) In the case of an annexation for which an annexation**  
 30 **ordinance was adopted before May 1, 2019, the ordinance**  
 31 **takes effect immediately:**

32           **(A)** upon the expiration of the remonstrance and appeal period  
 33 under section 11, 11.1, or 15.5 of this chapter; and

34           **(B)** after the publication, filing, and recording required by  
 35 section 22(a) of this chapter. ~~if all of the following conditions~~  
 36 ~~are met.~~

37           **(2) In the case of an annexation for which an annexation**  
 38 **ordinance was adopted after April 30, 2019, the ordinance**  
 39 **takes effect as set forth in section 7(c)(4) of this chapter.**

40           **(b) This section applies to an annexation that meets all of the**  
 41 **following conditions:**

42           (1) The annexed territory has no population.



1 (2) Ninety percent (90%) of the total assessed value of the land  
2 for property tax purposes has one (1) owner.

3 (3) The annexation is required to fulfill an economic development  
4 incentive package and to retain an industry through various local  
5 incentives, including urban enterprise zone benefits.

6 SECTION 11. IC 36-4-3-11, AS AMENDED BY P.L.206-2016,  
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 11. (a) This subsection applies only to an  
9 annexation for which an annexation ordinance was adopted before July  
10 1, 2015. Except as provided in section 5.1(i) of this chapter (**as in**  
11 **effect on July 1, 2015**) and subsections (e) and (f), whenever territory  
12 is annexed by a municipality under this chapter, the annexation may be  
13 appealed by filing with the circuit or superior court of a county in  
14 which the annexed territory is located a written remonstrance signed  
15 by:

16 (1) at least sixty-five percent (65%) of the owners of land in the  
17 annexed territory; or

18 (2) the owners of more than seventy-five percent (75%) in  
19 assessed valuation of the land in the annexed territory.

20 The remonstrance must be filed within ninety (90) days after the  
21 publication of the annexation ordinance under section 7 of this chapter,  
22 must be accompanied by a copy of that ordinance, and must state the  
23 reason why the annexation should not take place.

24 (b) This subsection applies only to an annexation for which an  
25 annexation ordinance was adopted before July 1, 2015. On receipt of  
26 the remonstrance, the court shall determine whether the remonstrance  
27 has the necessary signatures. In determining the total number of  
28 landowners of the annexed territory and whether signers of the  
29 remonstrance are landowners, the names appearing on the tax duplicate  
30 for that territory constitute prima facie evidence of ownership. Only  
31 one (1) person having an interest in each single property, as evidenced  
32 by the tax duplicate, is considered a landowner for purposes of this  
33 section.

34 (c) This subsection applies only to an annexation for which an  
35 annexation ordinance was adopted before July 1, 2015. If the court  
36 determines that the remonstrance is sufficient, the court shall fix a time,  
37 within sixty (60) days after the court's determination, for a hearing on  
38 the remonstrance. Notice of the proceedings, in the form of a summons,  
39 shall be served on the annexing municipality. The municipality is the  
40 defendant in the cause and shall appear and answer.

41 (d) This subsection applies only to an annexation for which an  
42 annexation ordinance was adopted after June 30, 2015, **and before**



1 **May 1, 2019.** If the requirements of section 11.3(c) or (after December  
2 31, 2016) section 11.4 of this chapter are met, the annexation may be  
3 appealed by filing with the circuit or superior court of a county in  
4 which the annexed territory is located:

- 5 (1) the signed remonstrances filed with the county auditor;
- 6 (2) the county auditor's certification under section 11.2(i) of this  
7 chapter;
- 8 (3) the annexation ordinance; and
- 9 (4) a statement of the reason why the annexation should not take  
10 place.

11 The remonstrance must be filed with the court not later than fifteen  
12 (15) business days after the date the county auditor files the certificate  
13 with the legislative body under section 11.2(i) of this chapter. After a  
14 remonstrance petition is filed with the court, any person who signed a  
15 remonstrance may file with the court a verified, written revocation of  
16 the person's opposition to the annexation.

17 (e) If an annexation is initiated by property owners under section 5.1  
18 of this chapter and all property owners within the area to be annexed  
19 petition the municipality to be annexed, a remonstrance to the  
20 annexation may not be filed under this section.

21 (f) This subsection applies only to an annexation for which an  
22 annexation ordinance is adopted before July 1, 2015. This subsection  
23 applies if:

- 24 (1) the territory to be annexed consists of not more than one  
25 hundred (100) parcels; and
- 26 (2) eighty percent (80%) of the boundary of the territory proposed  
27 to be annexed is contiguous to the municipality.

28 An annexation may be appealed by filing with the circuit or superior  
29 court of a county in which the annexed territory is located a written  
30 remonstrance signed by at least seventy-five percent (75%) of the  
31 owners of land in the annexed territory as determined under subsection  
32 (b).

33 SECTION 12. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015,  
34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]: Sec. 11.1. (a) This section applies only to an  
36 annexation ordinance adopted after June 30, 2015, **and before May 1,**  
37 **2019.**

38 (b) After a municipality adopts an annexation ordinance in  
39 accordance with all applicable notice and hearing requirements under  
40 this chapter, the annexation may not proceed unless the annexing  
41 municipality completes the procedures set forth in this section.

42 (c) The proper officers of the municipality must give notice of the





1 applicability of the remonstrance process by providing notice by:

- 2 (1) publication in accordance with IC 5-3-1; and  
 3 (2) first class mail or certified mail with return receipt requested,  
 4 or any other means of delivery that includes a return receipt;

5 to the circuit court clerk and to owners of real property described in  
 6 section 2.2 of this chapter. Notice under this section must be published  
 7 and mailed or delivered on the same date that notice of the adoption of  
 8 the annexation ordinance is published under section 7 of this chapter.

9 (d) The notice of the applicability of the remonstrance process under  
 10 subsection (c) must state the following:

11 (1) Any owners of real property within the area proposed to be  
 12 annexed who want to remonstrate against the proposed  
 13 annexation must complete and file remonstrance petitions in  
 14 compliance with this chapter. The notice must state:

15 (A) that remonstrance petitions must be filed not later than  
 16 ninety (90) days after the date that notice of the adoption of the  
 17 annexation ordinance was published under section 7 of this  
 18 chapter; and

19 (B) the last date in accordance with clause (A) that  
 20 remonstrance petitions must be filed with the county auditor  
 21 to be valid.

22 (2) A remonstrance petition may be signed at the locations  
 23 provided by the municipality under subsection (e). The notice  
 24 must provide the following information regarding each location:

25 (A) The address of the location.

26 (B) The dates and hours during which a remonstrance petition  
 27 may be signed at the location.

28 (e) Beginning the day after publication of the notice under  
 29 subsection (c) and ending not later than ninety (90) days after  
 30 publication of the notice under subsection (c), the municipality shall  
 31 provide both of the following:

32 (1) At least one (1) location in the offices of the municipality  
 33 where a person may sign a remonstrance petition during regular  
 34 business hours.

35 (2) At least one (1) additional location that is available for at least  
 36 five (5) days, where a person may sign a remonstrance petition.

37 The location must meet the following requirements:

38 (A) The location must be in a public building:

39 (i) owned or leased by the state or a political subdivision,  
 40 including a public library, community center, or parks and  
 41 recreation building; and

42 (ii) located within the boundaries of the municipality or the



- 1 annexation territory.
- 2 (B) The location must be open according to the following:
- 3 (i) On a day that the location is open on a weekday, the
- 4 location must be open at a minimum from 5 p.m. to 9 p.m.
- 5 (ii) On a day that the location is open on a Saturday or
- 6 Sunday, the location must be open at least four (4) hours
- 7 during the period from 9 a.m. to 5 p.m.
- 8 (f) An additional location may not be open on a day that is a legal
- 9 holiday. At any location and during the hours that a remonstrance
- 10 petition may be signed, the municipality shall have a person present:
- 11 (1) to witness the signing of remonstrance petitions; and
- 12 (2) who shall swear and affirm before a notary public that the
- 13 person witnessed each person sign the remonstrance petition.
- 14 SECTION 13. IC 36-4-3-11.2, AS AMENDED BY P.L.206-2016,
- 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 UPON PASSAGE]: Sec. 11.2. (a) This section applies only to an
- 17 annexation ordinance adopted after June 30, 2015, **and before May 1,**
- 18 **2019.**
- 19 (b) A remonstrance petition may be filed by an owner of real
- 20 property that:
- 21 (1) is within the area to be annexed;
- 22 (2) was not exempt from property taxes under IC 6-1.1-10 or any
- 23 other state law for the immediately preceding year; and
- 24 (3) is not subject to a valid waiver of remonstrance.
- 25 (c) A remonstrance petition must comply with the following in order
- 26 to be effective:
- 27 (1) Each signature on a remonstrance petition must be dated, and
- 28 the date of the signature may not be earlier than the date on which
- 29 the remonstrance forms may be issued by the county auditor
- 30 under subsection (e)(7).
- 31 (2) Each person who signs a remonstrance petition must indicate
- 32 the address of the real property owned by the person in the area
- 33 to be annexed.
- 34 (3) A remonstrance petition must be verified in compliance with
- 35 subsection (e).
- 36 (d) The state board of accounts shall design the remonstrance forms
- 37 to be used solely in the remonstrance process described in this section.
- 38 The state board of accounts shall provide the forms to the county
- 39 auditor in an electronic format that permits the county auditor to copy
- 40 or reproduce the forms using:
- 41 (1) the county auditor's own equipment; or
- 42 (2) a commercial copying service.



1 The annexing municipality shall reimburse the county auditor for the  
2 cost of reproducing the remonstrance forms.

3 (e) The county auditor's office shall issue remonstrance forms  
4 accompanied by instructions detailing all of the following  
5 requirements:

6 (1) The closing date for the remonstrance period.

7 (2) Only one (1) person having an interest in each single property  
8 as evidenced by the tax duplicate is considered an owner of  
9 property and may sign a remonstrance petition. A person is  
10 entitled to sign a petition only one (1) time in a remonstrance  
11 process, regardless of whether the person owns more than one (1)  
12 parcel of real property.

13 (3) An individual may not be:

14 (A) compensated for; or

15 (B) reimbursed for expenses incurred in;  
16 circulating a remonstrance petition and obtaining signatures.

17 (4) The remonstrance petition may be executed in several  
18 counterparts, the total of which constitutes the remonstrance  
19 petition. An affidavit of the person circulating a counterpart must  
20 be attached to the counterpart. The affidavit must state that each  
21 signature appearing on the counterpart was affixed in the person's  
22 presence and is the true and lawful signature of the signer. The  
23 affidavit must be notarized.

24 (5) A remonstrance petition that is not executed in counterparts  
25 must be verified by the person signing the petition in the manner  
26 prescribed by the state board of accounts and notarized.

27 (6) A remonstrance petition may be delivered to the county  
28 auditor's office in person or by:

29 (A) certified mail, return receipt requested; or

30 (B) any other means of delivery that includes a return receipt.

31 The remonstrance petition must be postmarked not later than the  
32 closing date for the remonstrance period.

33 (7) The county auditor's office may not issue a remonstrance  
34 petition earlier than the day that notice is published under section  
35 11.1 of this chapter. The county auditor's office shall certify the  
36 date of issuance on each remonstrance petition. Any person may  
37 pick up additional copies of the remonstrance petition to  
38 distribute to other persons.

39 (8) A person who signs a remonstrance petition may withdraw the  
40 person's signature from a remonstrance petition before a  
41 remonstrance petition is filed with the county auditor by filing a  
42 verified request to remove the person's name from the



- 1 remonstrance petition. Names may not be added to a  
 2 remonstrance petition after the remonstrance petition is filed with  
 3 the county auditor.
- 4 (f) The county auditor shall prepare and update weekly a list of the  
 5 persons who have signed a remonstrance petition. The list must include  
 6 a statement that the list includes all persons who have signed a  
 7 remonstrance petition as of a particular date, and does not represent a  
 8 list of persons certified by the county auditor as actual landowners in  
 9 the annexation territory using the auditor's current tax records under  
 10 subsection (i). The county auditor shall post the list in the office of the  
 11 county auditor. The list is a public record under IC 5-14-3.
- 12 (g) Not later than five (5) business days after receiving the  
 13 remonstrance petition, the county auditor shall submit a copy of the  
 14 remonstrance petition to the legislative body of the annexing  
 15 municipality.
- 16 (h) Not later than fifteen (15) business days after the legislative  
 17 body of the annexing municipality receives a copy of the remonstrance  
 18 petition from the county auditor, the annexing municipality shall  
 19 provide documentation to the county auditor regarding any valid waiver  
 20 of the right of remonstrance that exists on the property within the  
 21 annexation territory.
- 22 (i) Not later than fifteen (15) business days after receiving the  
 23 documentation regarding any valid waiver of the right of remonstrance  
 24 from the annexing municipality under subsection (h), if any, the county  
 25 auditor's office shall make a final determination of the number of  
 26 owners of real property within the territory to be annexed:
- 27 (1) who signed the remonstrance; and  
 28 (2) whose property is not subject to a valid waiver of the right of  
 29 remonstrance;
- 30 using the auditor's current tax records as provided in section 2.2 of this  
 31 chapter. The county auditor shall file a certificate with the legislative  
 32 body of the annexing municipality certifying the number of property  
 33 owners not later than five (5) business days after making the  
 34 determination.
- 35 SECTION 14. IC 36-4-3-11.3, AS ADDED BY P.L.228-2015,  
 36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 11.3. (a) This section applies only to an  
 38 annexation ordinance adopted after June 30, 2015, **and before May 1,**  
 39 **2019.**
- 40 (b) An annexation ordinance is void if a written remonstrance  
 41 petition is signed by one (1) of the following:  
 42 (1) At least sixty-five percent (65%) of the owners of land in the



1 annexed territory. An owner of land may not:  
 2 (A) be counted in calculating the total number of owners of  
 3 land in the annexation territory; or  
 4 (B) have the owner's signature counted on a remonstrance;  
 5 with regard to any single property that an owner has an interest in  
 6 that was exempt from property taxes under IC 6-1.1-10 or any  
 7 other state law for the immediately preceding year.  
 8 (2) The owners of at least eighty percent (80%) in assessed  
 9 valuation of the land in the annexed territory. Land that was  
 10 exempt from property taxes under IC 6-1.1-10 or any other state  
 11 law for the immediately preceding year may not be included in  
 12 calculating the total assessed valuation of the land in the  
 13 annexation territory. The court may not count the owner's  
 14 signature on a remonstrance with regard to any single property  
 15 that the owner has an interest in that was exempt from property  
 16 taxes under IC 6-1.1-10 or any other state law for the immediately  
 17 preceding year.  
 18 (c) The annexation may be appealed to the court under section 11  
 19 of this chapter, if a written remonstrance is signed by one (1) of the  
 20 following:  
 21 (1) At least fifty-one percent (51%) but less than sixty-five  
 22 percent (65%) of the owners of land. An owner of land may not:  
 23 (A) be counted in calculating the total number of owners of  
 24 land in the annexation territory; or  
 25 (B) have the owner's signature counted on a remonstrance;  
 26 with regard to any single property that the owner has an interest  
 27 in that was exempt from property taxes under IC 6-1.1-10 or any  
 28 other state law for the immediately preceding year.  
 29 (2) The owners of at least sixty percent (60%) but less than eighty  
 30 percent (80%) in assessed valuation of land in the annexed  
 31 territory. Land that was exempt from property taxes under  
 32 IC 6-1.1-10 or any other state law for the immediately preceding  
 33 year may not be included in calculating the total assessed  
 34 valuation of the land in the annexation territory. The court may  
 35 not count an owner's signature on a remonstrance with regard to  
 36 any single property that the owner has an interest in that was  
 37 exempt from property taxes under IC 6-1.1-10 or any other state  
 38 law for the immediately preceding year.  
 39 SECTION 15. IC 36-4-3-11.4, AS ADDED BY P.L.228-2015,  
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 11.4. (a) This section applies only to an  
 42 annexation that ~~the~~ meets all of the following requirements:



- 1 (1) The annexation ordinance is adopted after December 31,  
 2 2016, **and before May 1, 2019.**
- 3 (2) Notwithstanding the contiguity requirements of section 1.5 of  
 4 this chapter, at least one-tenth (1/10) of the aggregate external  
 5 boundaries of the territory sought to be annexed coincides with  
 6 the boundaries of:
- 7 (A) the municipality; and  
 8 (B) the site of an economic development project.
- 9 (b) As used in this section, "economic development project" means  
 10 any project developed by the municipality that meets all of the  
 11 following requirements:
- 12 (1) The annexing municipality determines that the project will:
- 13 (A) promote significant opportunities for the gainful  
 14 employment of its citizens;  
 15 (B) attract a major new business enterprise to the municipality;  
 16 or  
 17 (C) retain or expand a significant business enterprise within  
 18 the municipality.
- 19 (2) The project involves expenditures by the annexing  
 20 municipality for any of the following:
- 21 (A) Land acquisition, interests in land, site improvements,  
 22 infrastructure improvements, buildings, or structures.  
 23 (B) Rehabilitation, renovation, and enlargement of buildings  
 24 and structures.  
 25 (C) Machinery, equipment, furnishings, or facilities.  
 26 (D) Substance removal or remedial action.
- 27 (c) Notwithstanding section 11.3(b) of this chapter, even if a  
 28 remonstrance has enough signatures to satisfy the requirements of  
 29 section 11.3(b) of this chapter, the annexation ordinance is not void and  
 30 may be appealed to the court under section 11 of this chapter, if all of  
 31 the following requirements are met:
- 32 (1) The economic development project site needs the following  
 33 capital services that the municipality is lawfully able to provide:
- 34 (A) water;  
 35 (B) sewer;  
 36 (C) gas; or  
 37 (D) any combination of the capital services described in  
 38 clauses (A) through (C).
- 39 (2) The municipality finds that it is in the municipality's best  
 40 interest to annex the annexation territory in order to extend,  
 41 construct, or operate the capital services that are provided to the  
 42 economic development project site.



1 (3) Before the date the annexation ordinance is adopted, a  
 2 taxpayer whose business will occupy the economic development  
 3 project site has done at least one (1) of the following:  
 4 (A) Filed a statement of benefits under IC 6-1.1-12.1 with the  
 5 designating body for the annexing municipality for a deduction  
 6 or abatement.  
 7 (B) Entered into an agreement with the Indiana economic  
 8 development corporation for a credit under IC 6-3.1-13.  
 9 (d) If the economic development project:  
 10 (1) has not commenced within twelve (12) months after the date  
 11 the annexation ordinance is adopted; or  
 12 (2) is not completed within thirty-six (36) months after the date  
 13 the annexation ordinance is adopted;  
 14 the annexation territory is disannexed from the municipality and reverts  
 15 to the jurisdiction of the unit having jurisdiction before the annexation.  
 16 For purposes of this subsection, ~~a~~ **an** economic development project is  
 17 considered to have commenced on the day that the physical erection,  
 18 installation, alteration, repair, or remodeling of a building or structure  
 19 commences on the site of the economic development project.  
 20 SECTION 16. IC 36-4-3-11.5 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. **(a)** A  
 22 landowner in an unincorporated area is not required to grant a  
 23 municipality a waiver against remonstrance as a condition of  
 24 connection to a sewer or water service if all of the following conditions  
 25 apply:  
 26 (1) The landowner is required to connect to the sewer or water  
 27 service because a person other than the landowner has polluted or  
 28 contaminated the area.  
 29 (2) A person other than the landowner or the municipality has  
 30 paid the cost of connection to the service.  
 31 **(b) Notwithstanding any other law, a waiver of the right to**  
 32 **remonstrate is effective and binding on a landowner or a successor**  
 33 **in title only with regard to an annexation for which the annexation**  
 34 **ordinance was adopted before May 1, 2019.**  
 35 SECTION 17. IC 36-4-3-11.6, AS ADDED BY P.L.228-2015,  
 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 11.6. (a) This section applies to a  
 38 remonstrance filed after June 30, 2015, **and before May 1, 2019.**  
 39 (b) If the court orders an annexation not to take place after a hearing  
 40 under section 11 of this chapter, the remonstrators shall be reimbursed  
 41 by the annexing municipality for any reasonable attorney's fees,  
 42 including litigation expenses and appeal costs:



1 (1) that are incurred:

2 (A) after the date the annexation ordinance is adopted; and

3 (B) in remonstrating against the annexation; and

4 (2) not to exceed thirty-seven thousand five hundred dollars  
5 (\$37,500).

6 SECTION 18. IC 36-4-3-11.7, AS ADDED BY P.L.228-2015,  
7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 11.7. ~~(a) Notwithstanding any other law, a  
9 waiver of the right of remonstrance executed after June 30, 2015,  
10 expires not later than fifteen (15) years after the date the waiver was  
11 executed.~~

12 ~~(b)~~ **(a)** This subsection applies to any deed recorded after June 30,  
13 2015. This subsection applies only to property that is subject to a  
14 remonstrance waiver. A municipality shall, within a reasonable time  
15 after the recording of a deed to property located within the  
16 municipality, provide written notice to the property owner that a waiver  
17 of the right of remonstrance exists with respect to the property.

18 **(b) Notwithstanding any other law, a waiver of the right of**  
19 **remonstrance is effective and binding on a landowner or a**  
20 **successor in title only with regard to an annexation for which the**  
21 **annexation ordinance was adopted before May 1, 2019.**

22 SECTION 19. IC 36-4-3-12, AS AMENDED BY P.L.113-2010,  
23 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~(a)~~ The circuit or superior  
25 court shall:

26 (1) on the date fixed under:

27 **(A) section 11 of this chapter (in the case of an annexation**  
28 **for which an annexation ordinance is adopted before May**  
29 **1, 2019), hear and determine the remonstrance without a jury;**

30 **or**

31 **(B) section 5.5 of this chapter (in the case of an annexation**  
32 **for which an annexation ordinance is adopted after April**  
33 **30, 2019), hear and determine the petition without a jury;**

34 **and**

35 (2) without delay, enter judgment on the question of the  
36 annexation according to the evidence that either party may  
37 introduce.

38 ~~(b) If the court enters judgment in favor of the annexation, the~~  
39 ~~annexation may not take effect during the year preceding the year in~~  
40 ~~which a federal decennial census is conducted. An annexation that~~  
41 ~~would otherwise take effect during the year preceding a year in which~~  
42 ~~a federal decennial census is conducted takes effect January 1 of the~~





1 year in which a federal decennial census is conducted.

2 SECTION 20. IC 36-4-3-13, AS AMENDED BY P.L.206-2016,  
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e),  
5 at the hearing under section 12 of this chapter, the court shall order a  
6 proposed annexation to take place if the following requirements are  
7 met:

8 (1) The requirements of either subsection (b) or (c).

9 (2) The requirements of subsection (d).

10 (3) The requirements of subsection (i) **(in the case of an**  
11 **annexation for which an annexation ordinance is adopted**  
12 **before May 1, 2019).**

13 (b) The requirements of this subsection are met if the evidence  
14 establishes the following:

15 (1) That the territory sought to be annexed is contiguous to the  
16 municipality.

17 (2) One (1) of the following:

18 (A) The resident population density of the territory sought to  
19 be annexed is at least three (3) persons per acre.

20 (B) Sixty percent (60%) of the territory is subdivided.

21 (C) The territory is zoned for commercial, business, or  
22 industrial uses.

23 (c) The requirements of this subsection are met if the evidence  
24 establishes one (1) of the following:

25 (1) That the territory sought to be annexed is:

26 (A) contiguous to the municipality as required by section 1.5  
27 of this chapter, except that at least one-fourth (1/4), instead of  
28 one-eighth (1/8), of the aggregate external boundaries of the  
29 territory sought to be annexed must coincide with the  
30 boundaries of the municipality; and

31 (B) needed and can be used by the municipality for its  
32 development in the reasonably near future.

33 (2) This subdivision applies only to an annexation for which an  
34 annexation ordinance is adopted after December 31, 2016, **and**  
35 **before May 1, 2019.** That the territory sought to be annexed  
36 involves an economic development project and the requirements  
37 of section 11.4 of this chapter are met.

38 (d) The requirements of this subsection are met if the evidence  
39 establishes that the municipality has developed and adopted a written  
40 fiscal plan and has established a definite policy, by resolution of the  
41 legislative body as set forth in section 3.1 of this chapter. The fiscal  
42 plan must show the following:



- 1 (1) The cost estimates of planned services to be furnished to the  
2 territory to be annexed. The plan must present itemized estimated  
3 costs for each municipal department or agency.
- 4 (2) The method or methods of financing the planned services. The  
5 plan must explain how specific and detailed expenses will be  
6 funded and must indicate the taxes, grants, and other funding to  
7 be used.
- 8 (3) The plan for the organization and extension of services. The  
9 plan must detail the specific services that will be provided and the  
10 dates the services will begin.
- 11 (4) That planned services of a noncapital nature, including police  
12 protection, fire protection, street and road maintenance, and other  
13 noncapital services normally provided within the corporate  
14 boundaries, will be provided to the annexed territory within one  
15 (1) year after the effective date of annexation and that they will be  
16 provided in a manner equivalent in standard and scope to those  
17 noncapital services provided to areas within the corporate  
18 boundaries regardless of similar topography, patterns of land use,  
19 and population density.
- 20 (5) That services of a capital improvement nature, including street  
21 construction, street lighting, sewer facilities, water facilities, and  
22 stormwater drainage facilities, will be provided to the annexed  
23 territory within three (3) years after the effective date of the  
24 annexation in the same manner as those services are provided to  
25 areas within the corporate boundaries, regardless of similar  
26 topography, patterns of land use, and population density, and in  
27 a manner consistent with federal, state, and local laws,  
28 procedures, and planning criteria.
- 29 (6) This subdivision applies to a fiscal plan prepared after June  
30 30, 2015. The estimated effect of the proposed annexation on  
31 taxpayers in each of the political subdivisions to which the  
32 proposed annexation applies, including the expected tax rates, tax  
33 levies, expenditure levels, service levels, and annual debt service  
34 payments in those political subdivisions for four (4) years after  
35 the effective date of the annexation.
- 36 (7) This subdivision applies to a fiscal plan prepared after June  
37 30, 2015. The estimated effect the proposed annexation will have  
38 on municipal finances, specifically how municipal tax revenues  
39 will be affected by the annexation for four (4) years after the  
40 effective date of the annexation.
- 41 (8) This subdivision applies to a fiscal plan prepared after June  
42 30, 2015. Any estimated effects on political subdivisions in the



1 county that are not part of the annexation and on taxpayers  
 2 located in those political subdivisions for four (4) years after the  
 3 effective date of the annexation.

4 (9) This subdivision applies to a fiscal plan prepared after June  
 5 30, 2015. A list of all parcels of property in the annexation  
 6 territory and the following information regarding each parcel:

7 (A) The name of the owner of the parcel.

8 (B) The parcel identification number.

9 (C) The most recent assessed value of the parcel.

10 (D) The existence of a known waiver of the right to  
 11 remonstrate on the parcel. This clause applies only to a fiscal  
 12 plan prepared after June 30, 2016, **and before May 1, 2019.**

13 (e) At the hearing under section 12 of this chapter **with regard to**  
 14 **an annexation for which an annexation ordinance was adopted**  
 15 **before May 1, 2019**, the court shall do the following:

16 (1) Consider evidence on the conditions listed in subdivision (2).

17 (2) Order a proposed annexation not to take place if the court  
 18 finds that all of the following conditions that are applicable to the  
 19 annexation exist in the territory proposed to be annexed:

20 (A) This clause applies only to an annexation for which an  
 21 annexation ordinance was adopted before July 1, 2015. The  
 22 following services are adequately furnished by a provider  
 23 other than the municipality seeking the annexation:

24 (i) Police and fire protection.

25 (ii) Street and road maintenance.

26 (B) The annexation will have a significant financial impact on  
 27 the residents or owners of land. The court may not consider:

28 (i) the personal finances; or

29 (ii) the business finances;

30 of a resident or owner of land. The personal and business  
 31 financial records of the residents or owners of land, including  
 32 state, federal, and local income tax returns, may not be subject  
 33 to a subpoena or discovery proceedings.

34 (C) The annexation is not in the best interests of the owners of  
 35 land in the territory proposed to be annexed as set forth in  
 36 subsection (f).

37 (D) This clause applies only to an annexation for which an  
 38 annexation ordinance is adopted before July 1, 2015. One (1)  
 39 of the following opposes the annexation:

40 (i) At least sixty-five percent (65%) of the owners of land in  
 41 the territory proposed to be annexed.

42 (ii) The owners of more than seventy-five percent (75%) in



- 1           assessed valuation of the land in the territory proposed to be  
2           annexed.
- 3           Evidence of opposition may be expressed by any owner of land  
4           in the territory proposed to be annexed.
- 5           (E) This clause applies only to an annexation for which an  
6           annexation ordinance is adopted after June 30, 2015, **and**  
7           **before May 1, 2019.** One (1) of the following opposes the  
8           annexation:
- 9           (i) At least fifty-one percent (51%) of the owners of land in  
10          the territory proposed to be annexed.
- 11          (ii) The owners of more than sixty percent (60%) in assessed  
12          valuation of the land in the territory proposed to be annexed.
- 13          The remonstrance petitions filed with the court under section  
14          11 of this chapter are evidence of the number of owners of  
15          land that oppose the annexation, minus any written revocations  
16          of remonstrances that are filed with the court under section 11  
17          of this chapter.
- 18          (F) This clause applies only to an annexation for which an  
19          annexation ordinance is adopted before July 1, 2015. This  
20          clause applies only to an annexation in which eighty percent  
21          (80%) of the boundary of the territory proposed to be annexed  
22          is contiguous to the municipality and the territory consists of  
23          not more than one hundred (100) parcels. At least seventy-five  
24          percent (75%) of the owners of land in the territory proposed  
25          to be annexed oppose the annexation as determined under  
26          section 11(b) of this chapter.
- 27          (f) **This subsection applies only to an annexation for which an**  
28          **annexation ordinance is adopted before May 1, 2019.** The  
29          municipality under subsection (e)(2)(C) bears the burden of proving  
30          that the annexation is in the best interests of the owners of land in the  
31          territory proposed to be annexed. In determining this issue, the court  
32          may consider whether the municipality has extended sewer or water  
33          services to the entire territory to be annexed:
- 34                  (1) within the three (3) years preceding the date of the  
35                  introduction of the annexation ordinance; or
- 36                  (2) under a contract in lieu of annexation entered into under  
37                  IC 36-4-3-21.
- 38          The court may not consider the provision of water services as a result  
39          of an order by the Indiana utility regulatory commission to constitute  
40          the provision of water services to the territory to be annexed.
- 41          (g) The most recent:
- 42                  (1) federal decennial census;



- 1 (2) federal special census;  
 2 (3) special tabulation; or  
 3 (4) corrected population count;  
 4 shall be used as evidence of resident population density for purposes  
 5 of subsection (b)(2)(A), but this evidence may be rebutted by other  
 6 evidence of population density.
- 7 (h) A municipality that prepares a fiscal plan after June 30, 2015,  
 8 must comply with this subsection. A municipality may not amend the  
 9 fiscal plan after the date that:
- 10 (1) a remonstrance is filed with the court under section 11 of this  
 11 chapter **(in the case of an annexation for which an annexation**  
 12 **ordinance was adopted before May 1, 2019); or**  
 13 **(2) a petition is filed with the court under section 5.5 of this**  
 14 **chapter (in the case of an annexation for which an annexation**  
 15 **ordinance was adopted after April 30, 2019);**  
 16 unless amendment of the fiscal plan is consented to by ~~at least~~  
 17 ~~sixty-five percent (65%)~~ of the persons who signed the remonstrance  
 18 ~~or the petition.~~
- 19 (i) The municipality must submit proof that the municipality has  
 20 complied with:
- 21 ~~(A)~~ **(1)** the outreach program requirements and notice  
 22 requirements of section 1.7 of this chapter; and  
 23 ~~(B)~~ **(2)** the requirements of section 11.1 of this chapter **(in the**  
 24 **case of an annexation for which an annexation ordinance was**  
 25 **adopted after June 30, 2015, and before May 1, 2019).**
- 26 SECTION 21. IC 36-4-3-15, AS AMENDED BY P.L.228-2015,  
 27 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 15. (a) The court's judgment under section 12  
 29 or 15.5 of this chapter must specify the annexation ordinance. ~~on which~~  
 30 ~~the remonstrance is based.~~ The clerk of the court shall deliver a  
 31 certified copy of the final and unappealable judgment to the clerk of the  
 32 municipality. The clerk of the municipality shall:
- 33 (1) record the judgment in the clerk's ordinance record; and  
 34 (2) make a cross-reference to the record of the judgment on the  
 35 margin of the record of the annexation ordinance.
- 36 (b) If a final and unappealable judgment under section 12 or 15.5 of  
 37 this chapter is adverse to annexation, the municipality may not make  
 38 further attempts to annex the territory or any part of the territory during  
 39 the four (4) years after the later of:
- 40 (1) the judgment of the circuit or superior court; or  
 41 (2) the date of the final disposition of all appeals to a higher court;  
 42 unless the annexation is petitioned for under section 5 or 5.1 of this



- 1 chapter.
- 2 (c) This subsection applies if a municipality repeals the annexation  
3 ordinance:
- 4 (1) less than sixty-one (61) days after the publication of the  
5 ordinance under section 7(a) of this chapter; and  
6 (2) before the hearing commences:
- 7 (A) on the remonstrance under section 11(c) of this chapter **(in**  
8 **the case of an annexation for which an annexation**  
9 **ordinance is adopted before May 1, 2019); or**  
10 (B) on the petition under section 12 of this chapter **(in the**  
11 **case of an annexation for which an annexation ordinance**  
12 **is adopted after April 30, 2019).**
- 13 A municipality may not make further attempts to annex the territory or  
14 any part of the territory during the twelve (12) months after the date the  
15 municipality repeals the annexation ordinance. This subsection does  
16 not prohibit an annexation of the territory or part of the territory that is  
17 petitioned for under section 5 or 5.1 of this chapter.
- 18 (d) This subsection applies if a municipality repeals the annexation  
19 ordinance:
- 20 (1) at least sixty-one (61) days but not more than one hundred  
21 twenty (120) days after the publication of the ordinance under  
22 section 7(a) of this chapter; and  
23 (2) before the hearing commences:
- 24 (A) on the remonstrance under section 11(c) of this chapter **(in**  
25 **the case of an annexation for which an annexation**  
26 **ordinance is adopted before May 1, 2019); or**  
27 (B) on the petition under section 12 of this chapter **(in the**  
28 **case of an annexation for which an annexation ordinance**  
29 **is adopted after April 30, 2019).**
- 30 A municipality may not make further attempts to annex the territory or  
31 any part of the territory during the twenty-four (24) months after the  
32 date the municipality repeals the annexation ordinance. This subsection  
33 does not prohibit an annexation of the territory or part of the territory  
34 that is petitioned for under section 5 or 5.1 of this chapter.
- 35 (e) This subsection applies if a municipality repeals the annexation  
36 ordinance:
- 37 (1) either:
- 38 (A) at least one hundred twenty-one (121) days after  
39 publication of the ordinance under section 7(a) of this chapter  
40 but before the hearing commences:
- 41 (i) on the remonstrance under section 11(c) of this chapter  
42 **(in the case of an annexation for which an annexation**



1                   **ordinance is adopted before May 1, 2019); or**  
 2                   **(ii) on the petition under section 12 of this chapter (in the**  
 3                   **case of an annexation for which an annexation ordinance**  
 4                   **is adopted after April 30, 2019).**

5                   (B) after the hearing commences:

6                   (i) on the remonstrance as set forth in section 11(c) of this  
 7                   chapter **(in the case of an annexation for which an**  
 8                   **annexation ordinance is adopted before May 1, 2019); or**  
 9                   **(ii) on the petition under section 12 of this chapter (in the**  
 10                   **case of an annexation for which an annexation ordinance**  
 11                   **is adopted after April 30, 2019); and**

12                   (2) before the date of the judgment of the circuit or superior court  
 13                   as set forth in subsection (b).

14                   A municipality may not make further attempts to annex the territory or  
 15                   any part of the territory during the forty-two (42) months after the date  
 16                   the municipality repeals the annexation ordinance. This subsection  
 17                   does not prohibit an annexation of the territory or part of the territory  
 18                   that is petitioned for under section 5 or 5.1 of this chapter.

19                   (f) An annexation is effective when the clerk of the municipality  
 20                   complies with the filing requirement of section 22(a) of this chapter.

21                   SECTION 22. IC 36-4-3-15.3 IS AMENDED TO READ AS  
 22                   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.3. (a) As used  
 23                   in this section, "prohibition against annexation" means that a  
 24                   municipality may not make further attempts to annex certain territory  
 25                   or any part of that territory.

26                   (b) As used in this section, "settlement agreement" means a written  
 27                   court approved settlement of a dispute involving annexation under this  
 28                   chapter between a municipality and remonstrators.

29                   (c) Under a settlement agreement between the annexing  
 30                   municipality and either:

31                   (1) seventy-five percent (75%) or more of all landowners  
 32                   participating in the remonstrance; or

33                   (2) the owners of more than seventy-five percent (75%) in  
 34                   assessed valuation of the land owned by all landowners  
 35                   participating in the remonstrance;

36                   the parties may mutually agree to a prohibition against annexation of  
 37                   all or part of the territory by the municipality for a period not to exceed  
 38                   twenty (20) years. The settlement agreement may address issues and  
 39                   bind the parties to matters relating to the provision by a municipality  
 40                   of planned services of a noncapital nature and services of a capital  
 41                   improvement nature (as described in section 13(d) of this chapter), in  
 42                   addition to a prohibition against annexation. The settlement agreement



1 is binding upon the successors, heirs, and assigns of the parties to the  
 2 agreement. However, the settlement agreement may be amended or  
 3 revised periodically on further agreement between the annexing  
 4 municipality and landowners who meet the qualifications of subsection  
 5 (c)(1) or (c)(2).

6 **(d) A settlement agreement executed after April 30, 2019, is**  
 7 **void.**

8 SECTION 23. IC 36-4-3-15.5, AS AMENDED BY P.L.207-2014,  
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 15.5. (a) Except as provided in subsection (b):

11 (1) an owner of land within one-half (1/2) mile of territory  
 12 proposed to be annexed under this chapter; or

13 (2) a municipality located in the same county as the territory  
 14 proposed to be annexed;

15 may, not later than sixty (60) days after the publication of the  
 16 annexation ordinance, appeal that annexation to a circuit court or  
 17 superior court of a county in which the annexed territory is located. The  
 18 complaint must state that the reason the annexation should not take  
 19 place is that the territory sought to be annexed is not contiguous to the  
 20 annexing municipality.

21 (b) This subsection applies to an annexation initiated by property  
 22 owners under section 5.1 of this chapter in which all property owners  
 23 within the area to be annexed petition the municipality to be annexed.  
 24 Either of the following may appeal that annexation to a circuit court or  
 25 superior court of a county in which the annexed territory is located:

26 (1) An owner of land within one-half (1/2) mile of the territory  
 27 proposed to be annexed under this chapter.

28 (2) A municipality located in the same county as the territory  
 29 proposed to be annexed.

30 An appeal under this subsection must be filed not later than thirty (30)  
 31 days after the publication of the annexation ordinance. The complaint  
 32 must state that the reason the annexation should not take place is that  
 33 the territory sought to be annexed is not contiguous to the annexing  
 34 municipality.

35 (c) Upon the determination of the court that the complaint is  
 36 sufficient, the judge shall fix a time for a hearing to be held not later  
 37 than sixty (60) days after the determination. Notice of the proceedings  
 38 shall be served by summons upon the proper officers of the annexing  
 39 municipality. The municipality shall become a defendant in the cause  
 40 and be required to appear and answer. The judge of the circuit or  
 41 superior court shall, upon the date fixed, proceed to hear and determine  
 42 the appeal without a jury, and shall, without delay, give judgment upon





1 the question of the annexation according to the evidence introduced by  
 2 the parties. If the evidence establishes that the territory sought to be  
 3 annexed is contiguous to the annexing municipality, the court shall  
 4 deny the appeal and dismiss the proceeding. If the evidence does not  
 5 establish the foregoing factor, the court shall issue an order to prevent  
 6 the proposed annexation from taking effect. The laws providing for  
 7 change of venue from the county do not apply, but changes of venue  
 8 from the judge may be had. Costs follow judgment. Pending the appeal,  
 9 and during the time within which the appeal may be taken, the territory  
 10 sought to be annexed is not a part of the annexing municipality.

11 ~~(d) If the court enters a judgment in favor of the municipality, the~~  
 12 ~~annexation may not take effect during the year preceding a year in~~  
 13 ~~which a federal decennial census is conducted. An annexation that~~  
 14 ~~would otherwise take effect during the year preceding a year in which~~  
 15 ~~a federal decennial census is conducted takes effect January 1 of the~~  
 16 ~~year in which a federal decennial census is conducted.~~

17 SECTION 24. IC 36-4-3-19, AS AMENDED BY P.L.113-2010,  
 18 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) If disannexation is  
 20 ordered under this chapter by the works board of a municipality and no  
 21 appeal is taken, the clerk of the municipality shall, without  
 22 compensation and not later than ten (10) days after the order is made,  
 23 make and certify a complete transcript of the disannexation  
 24 proceedings to the auditor of each county in which the disannexed lots  
 25 or lands lie and to the office of the secretary of state. The county  
 26 auditor shall list those lots or lands appropriately for taxation. The  
 27 proceedings of the works board shall not be certified to the county  
 28 auditor or to the office of the secretary of state if an appeal to the  
 29 circuit court has been taken.

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

- 36 (1) The auditor of each county in which the lands or lots affected
- 37 lie, on receipt of one dollar (\$1) for the making and certifying of
- 38 the transcript from the petitioners for the disannexation.
- 39 (2) The office of the secretary of state.
- 40 (3) The circuit court clerk of each county in which the lands or
- 41 lots affected are located.
- 42 (4) The county election board of each county in which the lands



- 1 or lots affected are located.
- 2 (5) If a board of registration exists, the board of each county in
- 3 which the lands or lots affected are located.
- 4 (6) The office of census data established by IC 2-5-1.1-12.2.
- 5 (c) The county auditor shall forward a list of lots or lands
- 6 disannexed under this section to the following:
- 7 (1) The county highway department of each county in which the
- 8 lands or lots affected are located.
- 9 (2) The county surveyor of each county in which the lands or lots
- 10 affected are located.
- 11 (3) Each plan commission, if any, that lost or gained jurisdiction
- 12 over the disannexed territory.
- 13 (4) The township trustee of each township that lost or gained
- 14 jurisdiction over the disannexed territory.
- 15 (5) The sheriff of each county in which the lands or lots affected
- 16 are located.
- 17 (6) The office of the secretary of state.
- 18 (7) The office of census data established by IC 2-5-1.1-12.2.
- 19 The county auditor may require the clerk of the municipality to furnish
- 20 an adequate number of copies of the list of disannexed lots or lands or
- 21 may charge the clerk a fee for photoreproduction of the list.
- 22 (d) A disannexation described by this section takes effect upon the
- 23 clerk of the municipality filing the order with:
- 24 (1) the county auditor of each county in which the annexed
- 25 territory is located; and
- 26 (2) the circuit court clerk, or if a board of registration exists, the
- 27 board of each county in which the annexed territory is located.
- 28 (e) The clerk of the municipality shall notify the office of the
- 29 secretary of state and the office of census data established by
- 30 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
- 31 chapter.
- 32 ~~(f) A disannexation order under this chapter may not take effect~~
- 33 ~~during the year preceding a year in which a federal decennial census is~~
- 34 ~~conducted. A disannexation order that would otherwise take effect~~
- 35 ~~during the year preceding a year in which a federal decennial census is~~
- 36 ~~conducted takes effect January 1 of the year in which a federal~~
- 37 ~~decennial census is conducted.~~
- 38 SECTION 25. IC 36-4-3-22, AS AMENDED BY P.L.228-2015,
- 39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 UPON PASSAGE]: Sec. 22. (a) The clerk of the municipality shall file:
- 41 (1) each annexation ordinance: ~~against which:~~
- 42 (A) **against which:**



- 1                   (i) a remonstrance **(in the case of an annexation for which**  
 2                   **an annexation ordinance is adopted before May 1, 2019);**  
 3                   or  
 4                   (ii) an appeal;  
 5                   has not been filed during the period permitted under this  
 6                   chapter; or  
 7                   (B) **against which** a remonstrance was filed without a  
 8                   sufficient number of signatures to meet the requirements of  
 9                   section 11.3(c) of this chapter, in the case of an annexation for  
 10                   which an annexation ordinance was adopted after June 30,  
 11                   2015, **and before May 1, 2019;** or  
 12                   (2) the certified copy of a final and unappealable judgment  
 13                   ordering an annexation to take place;  
 14                   with the county auditor, circuit court clerk, and board of registration (if  
 15                   a board of registration exists) of each county in which the annexed  
 16                   territory is located, the office of the secretary of state, and the office of  
 17                   census data established by IC 2-5-1.1-12.2. The clerk of the  
 18                   municipality shall record each annexation ordinance adopted under this  
 19                   chapter in the office of the county recorder of each county in which the  
 20                   annexed territory is located.  
 21                   (b) The ordinance or judgment must be filed and recorded no later  
 22                   than ninety (90) days after:  
 23                   (1) the expiration of the period permitted for:  
 24                    (A) a remonstrance **(in the case of an annexation for which**  
 25                    **an annexation ordinance is adopted before May 1, 2019);**  
 26                    or  
 27                    (B) **an appeal under section 15.5 of this chapter;**  
 28                   (2) the delivery of a certified order under section 15 of this  
 29                   chapter; or  
 30                   (3) the date the county auditor files the written certification with  
 31                   the legislative body under section 11.2 of this chapter, in the case  
 32                   of an annexation:  
 33                    (A) described in subsection (a)(1)(B); **and**  
 34                    (B) **for which an annexation ordinance is adopted before**  
 35                    **May 1, 2019.**  
 36                   (c) Failure to record the annexation ordinance as provided in  
 37                   subsection (a) does not invalidate the ordinance.  
 38                   (d) The county auditor shall forward a copy of any annexation  
 39                   ordinance filed under this section to the following:  
 40                    (1) The county highway department of each county in which the  
 41                    lots or lands affected are located.  
 42                    (2) The county surveyor of each county in which the lots or lands



- 1 affected are located.
- 2 (3) Each plan commission, if any, that lost or gained jurisdiction
- 3 over the annexed territory.
- 4 (4) The sheriff of each county in which the lots or lands affected
- 5 are located.
- 6 (5) The township trustee of each township that lost or gained
- 7 jurisdiction over the annexed territory.
- 8 (6) The office of the secretary of state.
- 9 (7) The office of census data established by IC 2-5-1.1-12.2.
- 10 (e) The county auditor may require the clerk of the municipality to
- 11 furnish an adequate number of copies of the annexation ordinance or
- 12 may charge the clerk a fee for photoreproduction of the ordinance. The
- 13 county auditor shall notify the office of the secretary of state and the
- 14 office of census data established by IC 2-5-1.1-12.2 of the date that the
- 15 annexation ordinance is effective under this chapter.
- 16 (f) The county auditor or county surveyor shall, upon determining
- 17 that an annexation ordinance has become effective under this chapter,
- 18 indicate the annexation upon the property taxation records maintained
- 19 in the office of the auditor or the office of the county surveyor.
- 20 SECTION 26. IC 36-9-22-2, AS AMENDED BY P.L.18-2018,
- 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 UPON PASSAGE]: Sec. 2. (a) The power of the municipal works
- 23 board to fix the terms of a contract under this section applies to
- 24 contracts for the installation of sewage works that have not been finally
- 25 approved or accepted for full maintenance and operation by the
- 26 municipality on July 1, 1979.
- 27 (b) The works board of a municipality may contract with owners of
- 28 real property for the construction of sewage works within the
- 29 municipality or within four (4) miles outside its corporate boundaries
- 30 in order to provide service for the area in which the real property of the
- 31 owners is located. The contract must provide, for a period of not to
- 32 exceed fifteen (15) years, for the payment to the owners and their
- 33 assigns by any owner of real property who:
- 34 (1) did not contribute to the original cost of the sewage works;
- 35 and
- 36 (2) subsequently taps into, uses, or deposits sewage or storm
- 37 waters in the sewage works or any lateral sewers connected to
- 38 them;
- 39 of a fair pro rata share of the cost of the construction of the sewage
- 40 works, subject to the rules of the board and notwithstanding any other
- 41 law relating to the functions of local governmental entities. However,
- 42 the contract does not apply to any owner of real property who is not a



1 party to the contract unless the contract or (after June 30, 2013) a  
 2 signed memorandum of the contract has been recorded in the office of  
 3 the recorder of the county in which the real property of the owner is  
 4 located before the owner taps into or connects to the sewers and  
 5 facilities. The board may provide that the fair pro rata share of the cost  
 6 of construction includes interest at a rate not exceeding the amount of  
 7 interest allowed on judgments, and the interest shall be computed from  
 8 the date the sewage works are approved until the date payment is made  
 9 to the municipality.

10 (c) The contract must include, as part of the consideration running  
 11 to the municipality, the release of the right of:

12 (1) the parties to the contract; and

13 (2) the successors in title of the parties to the contract;

14 to remonstrate against pending or future annexations by the  
 15 municipality of the area served by the sewage works. Any person  
 16 tapping into or connecting to the sewage works contracted for is  
 17 considered to waive the person's rights to remonstrate against the  
 18 annexation of the area served by the sewage works.

19 (d) Notwithstanding subsection (c), the works board of a  
 20 municipality may waive the provisions of subsection (c) in the contract  
 21 if the works board considers a waiver of subsection (c) to be in the best  
 22 interests of the municipality.

23 (e) This subsection does not affect any rights or liabilities accrued,  
 24 or proceedings begun before July 1, 2013. Those rights, liabilities, and  
 25 proceedings continue and shall be imposed and enforced under prior  
 26 law as if this subsection had not been enacted. For contracts executed  
 27 after June 30, 2013, the release of the right to remonstrate is binding on  
 28 a successor in title to a party to the contract only if the successor in  
 29 title:

30 (1) has actual notice of the release; or

31 (2) has constructive notice of the release because the contract, or  
 32 a signed memorandum of the contract stating the release, has been  
 33 recorded in the chain of title of the property.

34 (f) Subsection (c) does not apply to a landowner if all of the  
 35 following conditions apply:

36 (1) The landowner is required to connect to the sewage works  
 37 because a person other than the landowner has polluted or  
 38 contaminated the area.

39 (2) The costs of extension of or connection to the sewage works  
 40 are paid by a person other than the landowner or the municipality.

41 (g) Subsection (c) does not apply to a landowner who taps into,  
 42 connects to, or is required to tap into or connect to the sewage works



1 of a municipality only because the municipality provides wholesale  
 2 sewage service (as defined in IC 8-1-2-61.7) to another municipality  
 3 that provides sewage service to the landowner.

4 ~~(h) Notwithstanding any other law, a waiver of the right of~~  
 5 ~~remonstrance executed after June 30, 2015, expires not later than~~  
 6 ~~fifteen (15) years after the date the waiver was executed.~~

7 ~~(h)~~ (h) This subsection applies to any deed recorded after June 30,  
 8 2015. This subsection applies only to property that is subject to a  
 9 remonstrance waiver. A municipality shall provide written notice to  
 10 any successor in title to property within a reasonable time after the  
 11 deed is recorded, that a waiver of the right of remonstrance exists with  
 12 respect to the property.

13 **(i) Notwithstanding any other law, a release of the right to**  
 14 **remonstrate is effective and binding on a landowner or a successor**  
 15 **in title to a party to the contract only with regard to an annexation**  
 16 **for which the annexation ordinance was adopted before May 1,**  
 17 **2019.**

18 SECTION 27. IC 36-9-25-14, AS AMENDED BY P.L.228-2015,  
 19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 14. (a) As to each municipality to which this  
 21 chapter applies:

22 (1) all the territory included within the corporate boundaries of  
 23 the municipality; and

24 (2) any territory, town, addition, platted subdivision, or unplatted  
 25 land lying outside the corporate boundaries of the municipality  
 26 that has been taken into the district in accordance with a prior  
 27 statute, the sewage or drainage of which discharges into or  
 28 through the sewage system of the municipality;

29 constitutes a special taxing district for the purpose of providing for the  
 30 sanitary disposal of the sewage of the district in a manner that protects  
 31 the public health and prevents the undue pollution of watercourses of  
 32 the district.

33 (b) Upon request by:

34 (1) a resolution adopted by the legislative body of another  
 35 municipality in the same county; or

36 (2) a petition of the majority of the resident freeholders in a  
 37 platted subdivision or of the owners of unplatted land outside the  
 38 boundaries of a municipality, if the platted subdivision or  
 39 unplatted land is in the same county;

40 the board may adopt a resolution incorporating all or any part of the  
 41 area of the municipality, platted subdivision, or unplatted land into the  
 42 district.



1 (c) A request under subsection (b) must be signed and certified as  
2 correct by the secretary of the legislative body, resident freeholders, or  
3 landowners. The original shall be preserved in the records of the board.  
4 The resolution of the board incorporating an area in the district must be  
5 in writing and must contain an accurate description of the area  
6 incorporated into the district. A certified copy of the resolution, signed  
7 by the president and secretary of the board, together with a map  
8 showing the boundaries of the district and the location of additional  
9 areas, shall be delivered to the auditor of the county within which the  
10 district is located. It shall be properly indexed and kept in the  
11 permanent records of the offices of the auditor.

12 (d) In addition, upon request by ten (10) or more interested resident  
13 freeholders in a platted or unplatted territory, the board may define the  
14 limits of an area within the county and including the property of the  
15 freeholders that is to be considered for inclusion into the district.  
16 Notice of the defining of the area by the board, and notice of the  
17 location and limits of the area, shall be given by publication in  
18 accordance with IC 5-3-1. Upon request by a majority of the resident  
19 freeholders of the area, the area may be incorporated into the district in  
20 the manner provided in this section. The resolution of the board  
21 incorporating the area into the district and a map of the area shall be  
22 made and filed in the same manner.

23 (e) In addition, a person owning or occupying real property outside  
24 the district may enter into a sewer service agreement with the board for  
25 connection to the sewage works of the district. If the agreement  
26 provides for connection at a later time, the date or the event upon  
27 which the service commences shall be stated in the agreement. The  
28 agreement may impose any conditions for connection that the board  
29 determines. The agreement must also provide the amount of service  
30 charge to be charged for connection if the persons are not covered  
31 under section 11 of this chapter, with the amount to be fixed by the  
32 board in its discretion and without a hearing.

33 (f) All sewer service agreements made under subsection (e) or (after  
34 June 30, 2013) a signed memorandum of the sewer service agreement  
35 shall be recorded in the office of the recorder of the county where the  
36 property is located. The agreements run with the property described  
37 and are binding upon the persons owning or occupying the property,  
38 their personal representatives, heirs, devisees, grantees, successors, and  
39 assigns. Each agreement that is recorded, or each agreement of which  
40 a signed memorandum is recorded, and that provides for the property  
41 being served to be placed on the tax rolls shall be certified by the board  
42 to the auditor of the county where the property is located. The



1 certification must state the date the property is to be placed on the tax  
 2 rolls, and upon receipt of the certification together with a copy of the  
 3 agreement, the auditor shall immediately place the property certified  
 4 upon the rolls of property subject to the levy and collection of taxes for  
 5 the district. An agreement may provide for the collection of a service  
 6 charge for the period services are rendered before the levy and  
 7 collection of the tax.

8 (g) Except as provided in subsection (j), sewer service agreements  
 9 made under subsection (e) must contain a waiver provision that persons  
 10 (other than municipalities) who own or occupy property agree for  
 11 themselves, their executors, administrators, heirs, devisees, grantees,  
 12 successors, and assigns that they will:

13 (1) neither object to nor file a remonstrance against the proposed  
 14 annexation of the property by a municipality within the  
 15 boundaries of the district;

16 (2) not appeal from an order or a judgment annexing the property  
 17 to a municipality; and

18 (3) not file a complaint or an action against annexation  
 19 proceedings.

20 (h) This subsection does not affect any rights or liabilities accrued  
 21 or proceedings begun before July 1, 2013. Those rights, liabilities, and  
 22 proceedings continue and shall be imposed and enforced under prior  
 23 law as if this subsection had not been enacted. For contracts executed  
 24 after June 30, 2013, a waiver of the right to remonstrate under  
 25 subsection (g) is binding as to an executor, administrator, heir, devisee,  
 26 grantee, successor, or assign of a party to a sewer service agreement  
 27 under subsection (g) only if the executor, administrator, heir, devisee,  
 28 grantee, successor, or assign:

29 (1) has actual notice of the waiver; or

30 (2) has constructive notice of the waiver because the sewer  
 31 service agreement or a signed memorandum of the sewer service  
 32 agreement stating the waiver has been recorded in the chain of  
 33 title of the property.

34 (i) This section does not affect any sewer service agreements  
 35 entered into before March 13, 1953.

36 (j) Subsection (g) does not apply to a landowner if all of the  
 37 following conditions apply:

38 (1) The landowner is required to connect to a sewer service  
 39 because a person other than the landowner has polluted or  
 40 contaminated the area.

41 (2) The costs of extension of service or connection to the sewer  
 42 service are paid by a person other than the landowner or the





1           municipality.  
2           ~~(k) Notwithstanding any other law, a waiver of the right of~~  
3 ~~remonstrance executed after June 30, 2015, expires not later than~~  
4 ~~fifteen (15) years after the date the waiver was executed.~~  
5           ~~(k)~~ (k) This subsection applies to any deed recorded after June 30,  
6 2015. This subsection applies only to property that is subject to a  
7 remonstrance waiver. A municipality shall provide written notice to  
8 any successor in title to property within a reasonable time after the  
9 deed is recorded, that a waiver of the right of remonstrance has been  
10 granted with respect to the property.  
11           **(l) Notwithstanding any other law, a release of the right to**  
12 **remonstrate is effective and binding on a landowner or a successor**  
13 **in title to a party to the contract only with regard to an annexation**  
14 **for which the annexation ordinance was adopted before May 1,**  
15 **2019.**  
16           SECTION 28. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 94 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 3

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 SENATE MOTION

Madam President: I move that Senate Bill 94 be amended to read as follows:

Page 10, delete lines 25 through 42.

Delete pages 11 though 12.

Page 13, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 9. IC 36-4-3-7, AS AMENDED BY P.L.86-2018, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) After an **annexation** ordinance is adopted, ~~under section 3, 4, 5, or 5.1 of this chapter,~~ **it the ordinance** must be published in the manner prescribed by IC 5-3-1.

**(b) This subsection applies only to an annexation for which an annexation ordinance is adopted before May 1, 2019.** Except as provided in subsection ~~(b)~~, ~~(d)~~, ~~or (f)~~, **(c) or (d)**, in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

**(c) An annexation ordinance takes effect as follows:**

**(1) This subdivision applies to an annexation under section 5 of this chapter. Except as provided in subsection (d), in the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least ninety (90) days after its publication and upon filing under section 22(a) of this chapter.**

**(2) This subdivision applies to an annexation under section 5.1 of this chapter. Except as provided in subsection (d), in the absence of an appeal under section 15.5 of this chapter, the**



ordinance takes effect at least thirty (30) days after the adoption of the ordinance and upon the filing under section 22(a) of this chapter.

**(3) This subdivision applies to an annexation under section 5.5 of this chapter. Except as provided in subsection (d), if a final and unappealable judgment under section 12 or 15.5 of this chapter is entered in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.**

**(4) This subdivision applies to an annexation under section 7.1 of this chapter for which an annexation ordinance is adopted after April 30, 2019. If a final and unappealable judgment under section 12 or 15.5 of this chapter is entered in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.**

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance 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.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

**(d) This subsection applies only to a fire protection district established after June 14, 1987. Except as provided in subsection (b);** Whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance, in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter **(in the case of an annexation for which an annexation ordinance is adopted before May 1, 2019) or in the absence of a hearing or an appeal under section 12 or 15.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted after April 30, 2019),** takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

(1) provide fire protection to that territory beginning on the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

**(e) This subsection applies only to a fire protection district established after June 14, 1987.** If the fire protection district from which a municipality annexes territory under subsection (d) is indebted



or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

~~(f) This subsection applies to an annexation initiated by property owners under section 5-1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.~~

SECTION 10. IC 36-4-3-7.1, AS AMENDED BY P.L.228-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. **(a) Notwithstanding section 7(b) of this chapter, An ordinance adopted under section 4 of this chapter that meets the conditions set forth in subsection (b) takes effect as follows:**

**(1) In the case of an annexation for which an annexation ordinance was adopted before May 1, 2019, the ordinance takes effect immediately:**

**(A)** upon the expiration of the remonstrance and appeal period under section 11, 11.1, or 15.5 of this chapter; and

**(B)** after the publication, filing, and recording required by section 22(a) of this chapter. ~~if all of the following conditions are met:~~

**(2) In the case of an annexation for which an annexation ordinance was adopted after April 30, 2019, the ordinance takes effect as set forth in section 7(c)(4) of this chapter.**

**(b) This section applies to an annexation that meets all of the following conditions:**

(1) The annexed territory has no population.

(2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.

(3) The annexation is required to fulfill an economic development



incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits."

Page 22 line 29, strike "(a)".

Page 23, line 1, strike "(b)".

Page 23, line 1, delete "This subsection does not apply to an annexation under".

Page 23, line 2, delete "section 7.1 of this chapter."

Page 23, line 2, strike "If the court enters judgment in favor of the".

Page 23, strike lines 3 through 8.

Page 30, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 23. IC 36-4-3-15.5, AS AMENDED BY P.L.207-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) Except as provided in subsection (b):

- (1) an owner of land within one-half (1/2) mile of territory proposed to be annexed under this chapter; or
- (2) a municipality located in the same county as the territory proposed to be annexed;

may, not later than sixty (60) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(b) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Either of the following may appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located:

- (1) An owner of land within one-half (1/2) mile of the territory proposed to be annexed under this chapter.
- (2) A municipality located in the same county as the territory proposed to be annexed.

An appeal under this subsection must be filed not later than thirty (30) days after the publication of the annexation ordinance. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(c) Upon the determination of the court that the complaint is sufficient, the judge shall fix a time for a hearing to be held not later than sixty (60) days after the determination. Notice of the proceedings shall be served by summons upon the proper officers of the annexing municipality. The municipality shall become a defendant in the cause



and be required to appear and answer. The judge of the circuit or superior court shall, upon the date fixed, proceed to hear and determine the appeal without a jury, and shall, without delay, give judgment upon the question of the annexation according to the evidence introduced by the parties. If the evidence establishes that the territory sought to be annexed is contiguous to the annexing municipality, the court shall deny the appeal and dismiss the proceeding. If the evidence does not establish the foregoing factor, the court shall issue an order to prevent the proposed annexation from taking effect. The laws providing for change of venue from the county do not apply, but changes of venue from the judge may be had. Costs follow judgment. Pending the appeal, and during the time within which the appeal may be taken, the territory sought to be annexed is not a part of the annexing municipality.

~~(d) If the court enters a judgment in favor of the municipality, the annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An annexation 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.~~

SECTION 24. IC 36-4-3-19, AS AMENDED BY P.L.113-2010, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) If disannexation is ordered under this chapter by the works board of a municipality 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."



Page 31, delete lines 39 through 42.

Page 32, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 94 as printed January 29, 2019.)

BOOTS

