



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1110 be amended to read as follows:

- 1 Replace the effective dates in SECTIONS 1 through 3 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Replace the effective dates in SECTIONS 5 through 6 with
- 4 "[EFFECTIVE UPON PASSAGE]".
- 5 Page 1, between the enacting clause and line 1, begin a new
- 6 paragraph and insert:
- 7 "SECTION 1. IC 13-18-15-2, AS AMENDED BY P.L.257-2019,
- 8 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: Sec. 2. (a) The persons involved shall negotiate the
- 10 terms for connection and service under this chapter.
- 11 (b) If service is ordered under this chapter, a receiver of that service
- 12 that is located in an unincorporated area may grant a waiver to a
- 13 municipality providing the service. A waiver under this section:
- 14 (1) must waive the receiver's right of remonstrance against
- 15 annexation of the areas in which the service is to be provided; and
- 16 (2) may be one (1) of the terms for connection and service
- 17 described in subsection (a).
- 18 (c) The waiver, if granted:
- 19 (1) shall be noted on the deed of each property affected and
- 20 recorded as provided by law; and
- 21 (2) is considered a covenant running with the land.
- 22 (d) This subsection applies to any deed recorded after June 30,
- 23 2015. This subsection applies only to property that is subject to a
- 24 remonstrance waiver. A municipality shall, within a reasonable time
- 25 after the recording of a deed to property located within the
- 26 municipality, provide written notice to the property owner that a waiver
- 27 of the right of remonstrance exists with respect to the property.

(e) A remonstrance waiver executed before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(f) A remonstrance waiver executed after June 30, 2003, and before July 1, 2019, is subject to the following:

(1) The waiver is void unless the waiver was recorded ~~(A)~~ before January 1, 2020, ~~and (B)~~ with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) **or subsection (h)** expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(g) A remonstrance waiver executed after June 30, 2019, ~~is subject to the following:~~ ~~(1) The waiver is void unless the waiver is must be~~ recorded ~~(A)~~ not later than thirty (30) business days after the date the waiver was executed ~~and (B)~~ with the county recorder of the county where the property subject to the waiver is located. ~~(2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.~~ This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(h) Notwithstanding any other law, a waiver of the right of remonstrance is valid and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before April 1, 2022.

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

(b) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015, **and before April 1, 2022.** A public highway or the rights-of-way of a public highway are contiguous to:

(1) the municipality; or

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

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

(c) This subsection applies to an annexation for which an

annexation ordinance is adopted after June 30, 2015, and before April 1, 2022. A public highway or the rights-of-way of a public highway are not contiguous unless one (1) of the following requirements is met:

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

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

(B) not already within the corporate boundaries of the municipality.

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

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

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

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

Page 2, line 18, after "notice" insert "**to the landowner**".

Page 2, line 32, delete "notice." and insert "notice."

(e) This subsection applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015, and before April 1, 2022."

Page 2, line 36, strike "(e)" and insert "**(f)**".

Page 4, delete lines 41 and 42, begin a new paragraph and insert:

"SECTION 6. IC 36-4-3-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section does not apply to an annexation under:

(1) section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter; or

(2) section 5.1 of this chapter, for which an annexation ordinance is adopted after March 31, 2022.

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

(c) Except as provided in subsection (d) **and section 5.2 of this chapter**, the municipality shall establish and adopt the written fiscal

plan before mailing the notification to landowners in the territory proposed to be annexed under section 2.2 of this chapter.

(d) In an annexation under section ~~5 or 5.1~~ **5.5** of this chapter, the municipality shall establish and adopt the written fiscal plan before adopting the annexation ordinance."

Page 9, between lines 17 and 18, begin a new paragraph and insert:

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

(1) signed by at least:

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

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

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

(b) This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. **A municipality may not collect signatures on an annexation petition that is filed with the legislative body under this section after March 31, 2022.** If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following requirements:

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

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

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

(ii) have the owner's signature counted;

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

(B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that 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 9. IC 36-4-3-5.1, AS AMENDED BY P.L.160-2020,
37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 5.1. (a) Owners of land that is located outside
39 but contiguous to a municipality or that is located in territory described
40 in section 4(i) of this chapter may file a petition with the legislative
41 body of the municipality:

- 42 (1) requesting an ordinance annexing the area described in the
- 43 petition; and
- 44 (2) signed by:
- 45 (A) one hundred percent (100%) of the landowners that reside
- 46 within the territory that is proposed to be annexed, in the case

of a petition filed before July 1, 2015; and

(B) in the case of a petition filed after June 30, 2015, one hundred percent (100%) of the owners of land within the territory that is proposed to be annexed.

(b) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

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

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

(d) The municipality may ~~(1)~~ adopt an annexation ordinance annexing the territory ~~and (2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;~~ after the legislative body has held a public hearing on the proposed annexation.

(e) The municipality may introduce and hold the public hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to testify at the hearing as to the proposed annexation.

(f) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection (e).

(g) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the ~~municipality adopts the fiscal plan~~ **date of the public hearing under subsection (e)** by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date ~~the fiscal plan is adopted:~~ **of the public hearing under subsection (e)**. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

(h) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

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

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

Page 10, line 10, delete "that include:" and insert "**that:**".

- 1 Page 10, line 11, after "(A)" insert **"include"**.
- 2 Page 10, line 13, delete "is" and insert **"are"**.
- 3 Page 10, line 19, delete "that include:" and insert **"that:"**.
- 4 Page 10, line 20, after "(A)" insert **"include"**.
- 5 Page 12, line 1, delete "A landowner may file a remonstrance
- 6 against the annexation" and insert **"After adopting the ordinance the**
- 7 **municipality must file a petition with the requisite number of**
- 8 **signatures as provided in section 5.5 of this chapter."**
- 9 Page 12, delete line 2.
- 10 Page 12, delete lines 9 through 13, begin a new paragraph and
- 11 insert:
- 12 "SECTION 11. IC 36-4-3-5.5 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) This section does not**
- 15 **apply to an annexation under section 5 or 5.1 of this chapter.**
- 16 **(b) This section applies only to an annexation for which an**
- 17 **annexation ordinance is adopted after March 31, 2022.**
- 18 **(c) After adopting an annexation ordinance under section 3, 4,**
- 19 **or 5.2 of this chapter, in order for the annexation to proceed, the**
- 20 **municipality must file a written petition under subsection (f) signed**
- 21 **by owners of land in the territory proposed to be annexed who are**
- 22 **in favor of the annexation. The petition must be signed by:**
- 23 **(1) at least fifty-one percent (51%) of the owners of land:**
- 24 **(A) not exempt from property taxes under IC 6-1.1-10 or**
- 25 **any other state law; and**
- 26 **(B) in the territory proposed to be annexed; or**
- 27 **(2) the owners of more than seventy-five percent (75%) in**
- 28 **assessed valuation of land:**
- 29 **(A) not exempt from property taxes under IC 6-1.1-10 or**
- 30 **any other state law; and**
- 31 **(B) in the territory proposed to be annexed.**
- 32 **(d) The petition circulated by the municipality must include on**
- 33 **each page where signatures are affixed a heading that is**
- 34 **substantially similar to the following:**
- 35 **"PETITION FOR ANNEXATION INTO THE (insert**
- 36 **whether city or town) OF (insert name of city or town)."**
- 37 **(e) A landowner may withdraw the landowner's signature from**
- 38 **the petition not more than ten (10) days after the municipality**
- 39 **adopts the annexation ordinance by providing written notice to the**
- 40 **office of the clerk of the municipality. A landowner who withdraws**
- 41 **the landowner's signature from the petition is considered not to**
- 42 **have signed the petition for purposes of subsection (h)(2).**
- 43 **(f) The municipality must file the petition with the circuit or**
- 44 **superior court of the county where the municipality is located not**
- 45 **later than ninety (90) days after the publication of the annexation**
- 46 **ordinance under section 7 of this chapter. The petition must be**

1 accompanied by:

2 (1) a copy of the ordinance; and

3 (2) the names and addresses of all persons who meet the
4 requirements of subsection (h).

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

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

20 (1) The person owns, solely or with another person, property
21 that is in the territory proposed to be annexed.

22 (2) None of the owners of the property signed the petition filed
23 by the municipality.

24 (3) The person appeared in person or submitted a
25 remonstrance or other document objecting to the annexation
26 into the record of the municipality's hearing on the
27 annexation ordinance under section 2.1 of this chapter.

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

30 SECTION 12. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 5.6. (a) This section applies only to an
33 annexation for which an annexation ordinance is adopted after
34 March 31, 2022.

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

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

41 (1) the validity of a signature is uncertain; and

42 (2) this section does not establish a standard to be applied in
43 the case;

44 a reasonable doubt must be resolved in favor of the validity of the
45 signature.

46 (d) Whenever the name of an individual, as printed or signed,
47 contains a minor variation from the name of the individual as set

1 forth in the relevant county records, the signature is considered
2 valid.

3 (e) Whenever the residence address or mailing address of an
4 individual contains a minor variation from the residence address
5 or mailing address as set forth in the relevant county records, the
6 signature is considered valid.

7 (f) If the residence address or mailing address of an individual
8 contains a substantial variation from the residence address or
9 mailing address as set forth in the relevant county records, the
10 signature is considered invalid.

11 (g) If the signature of an individual does not substantially
12 conform with the signature of the individual in relevant county
13 records, the signature is considered invalid. In determining
14 whether a signature substantially conforms with the signature in
15 the relevant county records, consideration shall be given to
16 whether that lack of conformity may reasonably be attributed to
17 the age, disability, or impairment of the individual."

18 Page 12, delete lines 14 through 42, begin a new paragraph and
19 insert:

20 "SECTION 14. IC 36-4-3-7, AS AMENDED BY P.L.236-2019,
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 7. (a) After an ordinance is adopted under
23 section 3, 4, 5, or 5.1, or 5.2 of this chapter, it must be published in the
24 manner prescribed by IC 5-3-1.

25 (b) This subsection applies only to an annexation for which an
26 annexation ordinance is adopted before April 1, 2022. Except as
27 provided in subsection (b); (c) (d); or (f); (e), in the absence of
28 remonstrance and appeal under section 11 or 15.5 of this chapter, the
29 ordinance takes effect at least ninety (90) days after its publication and
30 upon the filing required by section 22(a) of this chapter.

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

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

38 (2) This subdivision applies to an annexation under section 5.1
39 of this chapter. Except as provided in subsection (e), in the
40 absence of an appeal under section 15.5 of this chapter, the
41 ordinance takes effect at least thirty (30) days after the
42 adoption of the ordinance and upon the filing under section
43 22(a) of this chapter.

44 (3) This subdivision applies to an annexation under section 5.5
45 of this chapter. Except as provided in subsection (e), if a final
46 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 March 31, 2022. 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)~~ **(d)** Subsections ~~(d)~~ and ~~(e)~~ **(e)** and **(f)** apply to fire protection districts that are established after July 1, 1987, and to which subsection (g) does not apply. For the purposes of this section, territory that has been:

(1) added to an existing fire protection district under IC 36-8-11-11; or

(2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11, notwithstanding that the territory's addition to the fire protection district has not yet taken effect;

shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

~~(d)~~ **Except as provided in subsection (b);** **(e)** 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 April 1, 2022) 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 March 31, 2022)** 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. Except in the case of an annexation to which subsection (g) applies, the municipality shall:

(1) provide fire protection to that territory beginning 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)~~ **(f)** If the fire protection district from which a municipality annexes territory under subsection ~~(d)~~ **(e)** 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.~~

(g) Whenever a municipality annexes territory that lies within a fire protection district that has a total net assessed value (as determined by the county auditor) of more than one billion dollars (\$1,000,000,000) on the date the annexation ordinance is adopted:

- (1) the annexed area shall remain a part of the fire protection district after the annexation takes effect; and
- (2) the fire protection district shall continue to provide fire protection services to the annexed area.

The municipality shall not tax the annexed territory for fire protection services. The annexing municipality shall establish a special fire fund for all fire protection services that are provided by the municipality within the area of the municipality that is not within the fire protection district, and which shall not be assessed to the annexed special taxing district. The annexed territory that lies within the fire protection district shall continue to be part of the fire protection district special taxing district.

SECTION 15. IC 36-4-3-7.1, AS AMENDED BY P.L.257-2019, SECTION 111, 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 or 5.1 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 April 1, 2022, 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 March 31, 2022, 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.

SECTION 16. IC 36-4-3-11, AS AMENDED BY P.L.206-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. Except as provided in section 5.1(i) of this chapter **(as in effect on July 1, 2015)** and ~~subsections subsection (e), and (f);~~ whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

- (1) at least sixty-five percent (65%) of the owners of land in the annexed territory; or
- (2) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory.

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

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

(c) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. If the court determines that the remonstrance is sufficient, the court shall fix a time, within sixty (60) days after the court's determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons,

shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) This subsection applies only to an annexation for which an annexation ordinance was adopted after June 30, 2015, **and before April 1, 2022**. If the requirements of section 11.3(c) or (after December 31, 2016) section 11.4 of this chapter are met, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located:

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

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

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

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

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

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

SECTION 17. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, **and before April 1, 2022**.

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

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

applicability of the remonstrance process by providing notice by:

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

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

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

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

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

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

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

- (A) The address of the location.

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

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

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

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

The location must meet the following requirements:

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

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

- (ii) located within the boundaries of the municipality or the annexation territory.

- (B) The location must be open according to the following:

- (i) On a day that the location is open on a weekday, the location must be open at a minimum from 5 p.m. to 9 p.m.

(ii) On a day that the location is open on a Saturday or Sunday, the location must be open at least four (4) hours during the period from 9 a.m. to 5 p.m.

(f) An additional location may not be open on a day that is a legal holiday. At any location and during the hours that a remonstrance petition may be signed, the municipality shall have a person present:

- (1) to witness the signing of remonstrance petitions; and
- (2) who shall swear and affirm before a notary public that the person witnessed each person sign the remonstrance petition.

SECTION 18. IC 36-4-3-11.2, AS AMENDED BY P.L.206-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.2. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, **and before April 1, 2022.**

(b) A remonstrance petition may be filed by an owner of real property that:

- (1) is within the area to be annexed;
- (2) was not exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year; and
- (3) is not subject to a valid waiver of remonstrance.

(c) A remonstrance petition must comply with the following in order to be effective:

- (1) Each signature on a remonstrance petition must be dated, and the date of the signature may not be earlier than the date on which the remonstrance forms may be issued by the county auditor under subsection (e)(7).
- (2) Each person who signs a remonstrance petition must indicate the address of the real property owned by the person in the area to be annexed.
- (3) A remonstrance petition must be verified in compliance with subsection (e).

(d) The state board of accounts shall design the remonstrance forms to be used solely in the remonstrance process described in this section. The state board of accounts shall provide the forms to the county auditor in an electronic format that permits the county auditor to copy or reproduce the forms using:

- (1) the county auditor's own equipment; or
- (2) a commercial copying service.

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

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

- (1) The closing date for the remonstrance period.
- (2) Only one (1) person having an interest in each single property as evidenced by the tax duplicate is considered an owner of

property and may sign a remonstrance petition. A person is entitled to sign a petition only one (1) time in a remonstrance process, regardless of whether the person owns more than one (1) parcel of real property.

(3) An individual may not be:

(A) compensated for; or

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

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

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

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

(A) certified mail, return receipt requested; or

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

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

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

(8) A person who signs a remonstrance petition may withdraw the person's signature from a remonstrance petition before a remonstrance petition is filed with the county auditor by filing a verified request to remove the person's name from the remonstrance petition. Names may not be added to a remonstrance petition after the remonstrance petition is filed with the county auditor.

(f) The county auditor shall prepare and update weekly a list of the persons who have signed a remonstrance petition. The list must include a statement that the list includes all persons who have signed a remonstrance petition as of a particular date, and does not represent a list of persons certified by the county auditor as actual landowners in the annexation territory using the auditor's current tax records under subsection (i). The county auditor shall post the list in the office of the county auditor. The list is a public record under IC 5-14-3.

(g) Not later than five (5) business days after receiving the

1 remonstrance petition, the county auditor shall submit a copy of the
 2 remonstrance petition to the legislative body of the annexing
 3 municipality.

4 (h) Not later than fifteen (15) business days after the legislative
 5 body of the annexing municipality receives a copy of the remonstrance
 6 petition from the county auditor, the annexing municipality shall
 7 provide documentation to the county auditor regarding any valid waiver
 8 of the right of remonstrance that exists on the property within the
 9 annexation territory.

10 (i) Not later than fifteen (15) business days after receiving the
 11 documentation regarding any valid waiver of the right of remonstrance
 12 from the annexing municipality under subsection (h), if any, the county
 13 auditor's office shall make a final determination of the number of
 14 owners of real property within the territory to be annexed:

15 (1) who signed the remonstrance; and

16 (2) whose property is not subject to a valid waiver of the right of
 17 remonstrance;

18 using the auditor's current tax records as provided in section 2.2 of this
 19 chapter. The county auditor shall file a certificate with the legislative
 20 body of the annexing municipality certifying the number of property
 21 owners not later than five (5) business days after making the
 22 determination.

23 SECTION 19. IC 36-4-3-11.3, AS ADDED BY P.L.228-2015,
 24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 11.3. (a) This section applies only to an
 26 annexation ordinance adopted after June 30, 2015, **and before April**
 27 **1, 2022.**

28 (b) An annexation ordinance is void if a written remonstrance
 29 petition is signed by one (1) of the following:

30 (1) At least sixty-five percent (65%) of the owners of land in the
 31 annexed territory. An owner of land may not:

32 (A) be counted in calculating the total number of owners of
 33 land in the annexation territory; or

34 (B) have the owner's signature counted on a remonstrance;
 35 with regard to any single property that an owner has an interest in
 36 that was exempt from property taxes under IC 6-1.1-10 or any
 37 other state law for the immediately preceding year.

38 (2) The owners of at least eighty percent (80%) in assessed
 39 valuation of the land in the annexed territory. Land that was
 40 exempt from property taxes under IC 6-1.1-10 or any other state
 41 law for the immediately preceding year may not be included in
 42 calculating the total assessed valuation of the land in the
 43 annexation territory. The court may not count the owner's
 44 signature on a remonstrance with regard to any single property
 45 that the owner has an interest in that was exempt from property
 46 taxes under IC 6-1.1-10 or any other state law for the immediately

preceding year.

(c) The annexation may be appealed to the court under section 11 of this chapter, if a written remonstrance is signed by one (1) of the following:

(1) At least fifty-one percent (51%) but less than sixty-five percent (65%) of the owners of land. An owner of land may not:

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

(B) have the owner's signature counted on a remonstrance; with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The owners of at least sixty percent (60%) but less than eighty percent (80%) in assessed valuation of land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

SECTION 20. IC 36-4-3-11.4, AS ADDED BY P.L.228-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.4. (a) This section applies only to an annexation that ~~the~~ meets all of the following requirements:

(1) The annexation ordinance is adopted after December 31, 2016, **and before April 1, 2022.**

(2) Notwithstanding the contiguity requirements of section 1.5 of this chapter, at least one-tenth (1/10) of the aggregate external boundaries of the territory sought to be annexed coincides with the boundaries of:

(A) the municipality; and

(B) the site of an economic development project.

(b) As used in this section, "economic development project" means any project developed by the municipality that meets all of the following requirements:

(1) The annexing municipality determines that the project will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the municipality; or

(C) retain or expand a significant business enterprise within the municipality.

(2) The project involves expenditures by the annexing municipality for any of the following:

- 1 (A) Land acquisition, interests in land, site improvements,
- 2 infrastructure improvements, buildings, or structures.
- 3 (B) Rehabilitation, renovation, and enlargement of buildings
- 4 and structures.
- 5 (C) Machinery, equipment, furnishings, or facilities.
- 6 (D) Substance removal or remedial action.
- 7 (c) Notwithstanding section 11.3(b) of this chapter, even if a
- 8 remonstrance has enough signatures to satisfy the requirements of
- 9 section 11.3(b) of this chapter, the annexation ordinance is not void and
- 10 may be appealed to the court under section 11 of this chapter, if all of
- 11 the following requirements are met:
- 12 (1) The economic development project site needs the following
- 13 capital services that the municipality is lawfully able to provide:
- 14 (A) water;
- 15 (B) sewer;
- 16 (C) gas; or
- 17 (D) any combination of the capital services described in
- 18 clauses (A) through (C).
- 19 (2) The municipality finds that it is in the municipality's best
- 20 interest to annex the annexation territory in order to extend,
- 21 construct, or operate the capital services that are provided to the
- 22 economic development project site.
- 23 (3) Before the date the annexation ordinance is adopted, a
- 24 taxpayer whose business will occupy the economic development
- 25 project site has done at least one (1) of the following:
- 26 (A) Filed a statement of benefits under IC 6-1.1-12.1 with the
- 27 designating body for the annexing municipality for a deduction
- 28 or abatement.
- 29 (B) Entered into an agreement with the Indiana economic
- 30 development corporation for a credit under IC 6-3.1-13.
- 31 (d) If the economic development project:
- 32 (1) has not commenced within twelve (12) months after the date
- 33 the annexation ordinance is adopted; or
- 34 (2) is not completed within thirty-six (36) months after the date
- 35 the annexation ordinance is adopted;
- 36 the annexation territory is disannexed from the municipality and reverts
- 37 to the jurisdiction of the unit having jurisdiction before the annexation.
- 38 For purposes of this subsection, ~~a~~ **an** economic development project is
- 39 considered to have commenced on the day that the physical erection,
- 40 installation, alteration, repair, or remodeling of a building or structure
- 41 commences on the site of the economic development project.
- 42 SECTION 21. IC 36-4-3-11.5 IS AMENDED TO READ AS
- 43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. **(a)** A
- 44 landowner in an unincorporated area is not required to grant a
- 45 municipality a waiver against remonstrance as a condition of
- 46 connection to a sewer or water service if all of the following conditions

1 apply:

2 (1) The landowner is required to connect to the sewer or water
3 service because a person other than the landowner has polluted or
4 contaminated the area.

5 (2) A person other than the landowner or the municipality has
6 paid the cost of connection to the service.

7 **(b) Notwithstanding any other law, a waiver against**
8 **remonstrance is effective and binding on a landowner or a**
9 **successor in title only with regard to an annexation for which the**
10 **annexation ordinance was adopted before April 1, 2022.**

11 SECTION 22. IC 36-4-3-11.6, AS ADDED BY P.L.228-2015,
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 11.6. (a) This section applies to a
14 remonstrance filed after June 30, 2015, **and before April 1, 2022.**

15 (b) If the court orders an annexation not to take place after a hearing
16 under section 11 of this chapter, the remonstrators shall be reimbursed
17 by the annexing municipality for any reasonable attorney's fees,
18 including litigation expenses and appeal costs:

19 (1) that are incurred:

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

21 (B) in remonstrating against the annexation; and

22 (2) not to exceed thirty-seven thousand five hundred dollars
23 (\$37,500).

24 SECTION 23. IC 36-4-3-11.7, AS AMENDED BY P.L.257-2019,
25 SECTION 112, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: Sec. 11.7. (a) This subsection
27 applies to any deed recorded after June 30, 2015. This subsection
28 applies only to property that is subject to a remonstrance waiver. A
29 municipality shall, within a reasonable time after the recording of a
30 deed to property located within the municipality, provide written notice
31 to the property owner that a waiver of the right of remonstrance exists
32 with respect to the property.

33 (b) A remonstrance waiver executed before July 1, 2003, is void.
34 This subsection does not invalidate an annexation that was effective on
35 or before July 1, 2019.

36 (c) A remonstrance waiver executed after June 30, 2003, and before
37 July 1, 2019, is subject to the following:

38 (1) The waiver is void unless the waiver was recorded:

39 (A) before January 1, 2020; and

40 (B) with the county recorder of the county where the property
41 subject to the waiver is located.

42 (2) A waiver that is not void under subdivision (1) expires not
43 later than fifteen (15) years after the date the waiver is executed.

44 This subsection does not invalidate an annexation that was effective on
45 or before July 1, 2019.

46 (d) A remonstrance waiver executed after June 30, 2019, ~~is subject~~

to the following: ~~(1) The waiver is void unless the waiver is must be recorded (A) not later than thirty (30) business days after the date the waiver was executed and (B) with the county recorder of the county where the property subject to the waiver is located. (2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.~~ This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(e) Notwithstanding any other law, a remonstrance waiver is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before April 1, 2022.

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

(1) on the date fixed under:

(A) section 11 of this chapter (in the case of an annexation for which an annexation ordinance is adopted before April 1, 2022), hear and determine the remonstrance without a jury; or

(B) section 5.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted after March 31, 2022), hear and determine the petition without a jury; and

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

~~(b) If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the 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 25. IC 36-4-3-13, AS AMENDED BY P.L.206-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

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

(2) The requirements of subsection (d).

(3) The requirements of subsection (i) (in the case of an annexation for which an annexation ordinance is adopted before April 1, 2022).

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

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

(2) One (1) of the following:

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

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

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

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

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

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

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

(2) This subdivision applies only to an annexation for which an annexation ordinance is adopted after December 31, 2016, **and before April 1, 2022**. That the territory sought to be annexed involves an economic development project and the requirements of section 11.4 of this chapter are met.

(3) The territory is described in section 5.2 of this chapter.

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

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate

boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and ~~stormwater~~ **storm water** drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(6) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.

(7) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.

(8) This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.

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

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

(B) The parcel identification number.

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

(D) The existence of a known waiver of the right to remonstrate on the parcel. This clause applies only to a fiscal plan prepared after June 30, 2016, **and before April 1, 2022.**

(e) At the hearing under section 12 of this chapter **with regard to an annexation for which an annexation ordinance was adopted before April 1, 2022**, the court shall do the following:

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

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

(A) This clause applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. The

1 following services are adequately furnished by a provider
 2 other than the municipality seeking the annexation:

- 3 (i) Police and fire protection.
- 4 (ii) Street and road maintenance.

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

- 7 (i) the personal finances; or
- 8 (ii) the business finances;

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

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

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

- 19 (i) At least sixty-five percent (65%) of the owners of land in
 20 the territory proposed to be annexed.
- 21 (ii) The owners of more than seventy-five percent (75%) in
 22 assessed valuation of the land in the territory proposed to be
 23 annexed.

24 Evidence of opposition may be expressed by any owner of land
 25 in the territory proposed to be annexed.

26 (E) This clause applies only to an annexation for which an
 27 annexation ordinance is adopted after June 30, 2015, **and**
 28 **before April 1, 2022**. One (1) of the following opposes the
 29 annexation:

- 30 (i) At least fifty-one percent (51%) of the owners of land in
 31 the territory proposed to be annexed.
- 32 (ii) The owners of more than sixty percent (60%) in assessed
 33 valuation of the land in the territory proposed to be annexed.

34 The remonstrance petitions filed with the court under section
 35 11 of this chapter are evidence of the number of owners of
 36 land that oppose the annexation, minus any written revocations
 37 of remonstrances that are filed with the court under section 11
 38 of this chapter.

39 (F) This clause applies only to an annexation for which an
 40 annexation ordinance is adopted before July 1, 2015. This
 41 clause applies only to an annexation in which eighty percent
 42 (80%) of the boundary of the territory proposed to be annexed
 43 is contiguous to the municipality and the territory consists of
 44 not more than one hundred (100) parcels. At least seventy-five
 45 percent (75%) of the owners of land in the territory proposed
 46 to be annexed oppose the annexation as determined under

1 section 11(b) of this chapter.

2 (f) **This subsection applies only to an annexation for which an**
 3 **annexation ordinance is adopted before April 1, 2022.** The
 4 municipality under subsection (e)(2)(C) bears the burden of proving
 5 that the annexation is in the best interests of the owners of land in the
 6 territory proposed to be annexed. In determining this issue, the court
 7 may consider whether the municipality has extended sewer or water
 8 services to the entire territory to be annexed:

- 9 (1) within the three (3) years preceding the date of the
 10 introduction of the annexation ordinance; or
 11 (2) under a contract in lieu of annexation entered into under
 12 IC 36-4-3-21.

13 The court may not consider the provision of water services as a result
 14 of an order by the Indiana utility regulatory commission to constitute
 15 the provision of water services to the territory to be annexed.

16 (g) The most recent:

- 17 (1) federal decennial census;
 18 (2) federal special census;
 19 (3) special tabulation; or
 20 (4) corrected population count;

21 shall be used as evidence of resident population density for purposes
 22 of subsection (b)(2)(A), but this evidence may be rebutted by other
 23 evidence of population density.

24 (h) A municipality that prepares a fiscal plan after June 30, 2015,
 25 must comply with this subsection. A municipality may not amend the
 26 fiscal plan after the date that:

- 27 (1) a remonstrance is filed with the court under section 11 of this
 28 chapter **(in the case of an annexation for which an annexation**
 29 **ordinance was adopted before April 1, 2022); or**
 30 **(2) a petition is filed with the court under section 5.5 of this**
 31 **chapter (in the case of an annexation for which an annexation**
 32 **ordinance was adopted after March 31, 2022);**

33 unless amendment of the fiscal plan is consented to by ~~at least~~
 34 ~~sixty-five percent (65%) of the persons who signed the remonstrance~~
 35 **or the petition.**

36 (i) The municipality must submit proof that the municipality has
 37 complied with:

- 38 ~~(A)~~ (1) the outreach program requirements and notice
 39 requirements of section 1.7 of this chapter; and
 40 ~~(B)~~ (2) the requirements of section 11.1 of this chapter **(in the**
 41 **case of an annexation for which an annexation ordinance was**
 42 **adopted after June 30, 2015, and before April 1, 2022).**

43 SECTION 26. IC 36-4-3-15, AS AMENDED BY P.L.228-2015,
 44 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 UPON PASSAGE]: Sec. 15. (a) The court's judgment under section 12
 46 or 15.5 of this chapter must specify the annexation ordinance. ~~on which~~

1 ~~the remonstrance is based.~~ The clerk of the court shall deliver a
 2 certified copy of the final and unappealable judgment to the clerk of the
 3 municipality. The clerk of the municipality shall:

- 4 (1) record the judgment in the clerk's ordinance record; and
- 5 (2) make a cross-reference to the record of the judgment on the
- 6 margin of the record of the annexation ordinance.

7 (b) If a final and unappealable judgment under section 12 or 15.5 of
 8 this chapter is adverse to annexation, the municipality may not make
 9 further attempts to annex the territory or any part of the territory during
 10 the four (4) years after the later of:

- 11 (1) the judgment of the circuit or superior court; or
- 12 (2) the date of the final disposition of all appeals to a higher court;
- 13 unless the annexation is petitioned for under section 5 or 5.1 of this
- 14 chapter.

15 (c) This subsection applies if a municipality repeals the annexation
 16 ordinance:

- 17 (1) less than sixty-one (61) days after the publication of the
- 18 ordinance under section 7(a) of this chapter; and
- 19 (2) before the hearing commences:

20 (A) on the remonstrance under section 11(c) of this chapter (**in**
 21 **the case of an annexation for which an annexation**
 22 **ordinance is adopted before April 1, 2022); or**

23 (B) on the petition under section 12 of this chapter (**in the**
 24 **case of an annexation for which an annexation ordinance**
 25 **is adopted after March 31, 2022).**

26 A municipality may not make further attempts to annex the territory or
 27 any part of the territory during the twelve (12) months after the date the
 28 municipality repeals the annexation ordinance. This subsection does
 29 not prohibit an annexation of the territory or part of the territory that is
 30 petitioned for under section 5 or 5.1 of this chapter.

31 (d) This subsection applies if a municipality repeals the annexation
 32 ordinance:

- 33 (1) at least sixty-one (61) days but not more than one hundred
- 34 twenty (120) days after the publication of the ordinance under
- 35 section 7(a) of this chapter; and

- 36 (2) before the hearing commences:

37 (A) on the remonstrance under section 11(c) of this chapter (**in**
 38 **the case of an annexation for which an annexation**
 39 **ordinance is adopted before April 1, 2022); or**

40 (B) on the petition under section 12 of this chapter (**in the**
 41 **case of an annexation for which an annexation ordinance**
 42 **is adopted after March 31, 2022).**

43 A municipality may not make further attempts to annex the territory or
 44 any part of the territory during the twenty-four (24) months after the
 45 date the municipality repeals the annexation ordinance. This subsection
 46 does not prohibit an annexation of the territory or part of the territory

1 that is petitioned for under section 5 or 5.1 of this chapter.

2 (e) This subsection applies if a municipality repeals the annexation
3 ordinance:

4 (1) either:

5 (A) at least one hundred twenty-one (121) days after
6 publication of the ordinance under section 7(a) of this chapter
7 but before the hearing commences:

8 (i) on the remonstrance under section 11(c) of this chapter

9 **(in the case of an annexation for which an annexation
10 ordinance is adopted before April 1, 2022); or**

11 **(ii) on the petition under section 12 of this chapter (in the
12 case of an annexation for which an annexation ordinance
13 is adopted after March 31, 2022); or**

14 (B) after the hearing commences:

15 (i) on the remonstrance as set forth in section 11(c) of this
16 chapter **(in the case of an annexation for which an
17 annexation ordinance is adopted before April 1, 2022);
18 or**

19 **(ii) on the petition under section 12 of this chapter (in the
20 case of an annexation for which an annexation ordinance
21 is adopted after March 31, 2022); and**

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

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

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

31 SECTION 27. IC 36-4-3-15.3, AS AMENDED BY P.L.156-2020,
32 SECTION 138, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 15.3. (a) As used in this
34 section, "prohibition against annexation" means that a municipality
35 may not make further attempts to annex certain territory or any part of
36 that territory.

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

40 (c) Under a settlement agreement between the annexing
41 municipality and either:

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

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

the parties may mutually agree to a prohibition against annexation of all or part of the territory by the municipality for a period not to exceed twenty (20) years. The settlement agreement may address issues and bind the parties to matters relating to the provision by a municipality of planned services of a noncapital nature and services of a capital improvement nature (as described in section 13(d) of this chapter), in addition to a prohibition against annexation. The settlement agreement is binding upon the successors, heirs, and assigns of the parties to the agreement. However, the settlement agreement may be amended or revised periodically on further agreement between the annexing municipality and landowners who meet the qualifications of subdivision (1) or (2).

(d) A settlement agreement executed after March 31, 2022, is void.

SECTION 28. 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 29. IC 36-4-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **(a) This section does not apply to an annexation under:**

- (1) section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter; or**
- (2) section 5.1 of this chapter for which an annexation ordinance is adopted after March 31, 2022.**

~~(a)~~ **(b)** Within one (1) year after the expiration of:

- (1) the one (1) year period for implementation of planned services of a noncapital nature under section 13(d)(4) of this chapter; or
- (2) the three (3) year period for the implementation of planned services of a capital improvement nature under section 13(d)(5) of this chapter;

any person who pays taxes on property located within the annexed territory may file a complaint alleging injury resulting from the failure of the municipality to implement the plan. The complaint must name the municipality as defendant and shall be filed with the circuit or superior court of the county in which the annexed territory is located.

~~(b)~~ **(c)** The court shall hear the case within sixty (60) days without a jury. In order to be granted relief, the plaintiff must establish one (1) of the following:

- (1) That the municipality has without justification failed to implement the plan required by section 13 of this chapter within the specific time limit for implementation after annexation.
- (2) That the municipality has not provided police protection, fire protection, sanitary sewers, and water for human consumption within the specific time limit for implementation, unless one (1) of these services is being provided by a separate taxing district or

by a privately owned public utility.

(3) That the annexed territory is not receiving governmental and proprietary services substantially equivalent in standard and scope to the services provided by the municipality to other areas of the municipality, regardless of topography, patterns of land use, and population density similar to the annexed territory.

~~(c)~~ (d) The court may:

(1) grant an injunction prohibiting the collection of taxes levied by the municipality on the plaintiff's property located in the annexed territory;

(2) award damages to the plaintiff not to exceed one and one-fourth (1 1/4) times the taxes collected by the municipality for the plaintiff's property located in the annexed territory;

(3) order the annexed territory or any part of it to be disannexed from the municipality;

(4) order the municipality to submit a revised fiscal plan for providing the services to the annexed territory within time limits set up by the court; or

(5) grant any other appropriate relief.

~~(d)~~ (e) A change of venue from the county is not permitted for an action brought under this section.

~~(e)~~ (f) If the court finds for the plaintiff, the defendant shall pay all court costs and reasonable attorney's fees as approved by the court.

~~(f)~~ (g) The provisions of this chapter that apply to territory disannexed by other procedures apply to territory disannexed under this section.

SECTION 30. IC 36-4-3-19, AS AMENDED BY P.L.38-2021, SECTION 83, 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.

(8) The department of local government finance, not later than August 1, in the manner described by the department.

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.~~

SECTION 31. IC 36-4-3-22, AS AMENDED BY P.L.38-2021, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]; Sec. 22. (a) The clerk of the municipality shall file:

(1) each annexation ordinance:

(A) against which:

~~(A)~~ (i) a remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before April 1, 2022);** or

(ii) an appeal;

has not been filed during the period permitted under this chapter; or

(B) **against which** a remonstrance was filed without a sufficient number of signatures to meet the requirements of section 11.3(c) of this chapter, in the case of an annexation for which an annexation ordinance was adopted after June 30, 2015, **and before April 1, 2022;** or

(2) the certified copy of a final and unappealable judgment ordering an annexation to take place;

with the county auditor, circuit court clerk, and board of registration (if a board of registration exists) of each county in which the annexed territory is located, the office of the secretary of state, and the office of census data established by IC 2-5-1.1-12.2. The clerk of the municipality shall record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.

(b) The ordinance or judgment must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for:

(A) a remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before April 1, 2022);**

or

(B) an appeal under section 15.5 of this chapter;

(2) the delivery of a certified order under section 15 of this chapter; or

(3) the date the county auditor files the written certification with the legislative body under section 11.2 of this chapter, in the case of an annexation:

(A) described in subsection (a)(1)(B); **and**

(B) for which an annexation ordinance is adopted before April 1, 2022.

(c) Failure to record the annexation ordinance as provided in subsection (a) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

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

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

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

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

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

(6) The office of the secretary of state.

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

(8) The department of local government finance, not later than August 1, in the manner described by the department.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor 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 that the annexation ordinance is effective under this chapter.

(f) The county auditor or county surveyor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained in the office of the auditor or the office of the county surveyor.

SECTION 32. IC 36-4-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The fiscal officer shall present the report of budget estimates to the city legislative body under IC 6-1.1-17. After reviewing the report, the legislative body shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other city purposes during the ensuing budget year. The legislative body, in the appropriation ordinance, may reduce any estimated item from the figure submitted in the report of the fiscal officer, but it may increase an item only if the executive recommends an increase. The legislative body shall promptly act on the appropriation ordinance.

(b) In preparing the ordinances described in subsection (a), the legislative body shall make an allowance for the cost of fire protection to annexed territory described in ~~IC 36-4-3-7(d)~~, **IC 36-4-3-7(e)**, for the year fire protection is first offered to that territory.

SECTION 33. IC 36-9-22-2, AS AMENDED BY P.L.156-2020, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries

in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

- (1) did not contribute to the original cost of the sewage works; and
- (2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

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

- (1) the parties to the contract; and
- (2) the successors in title of the parties to the contract;

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

(d) Notwithstanding subsection (c), the works board of a municipality may waive the provisions of subsection (c) in the contract if:

- (1) the works board considers a waiver of subsection (c) to be in the best interests of the municipality; or
- (2) the contract involves connection to the sewage works under IC 36-9-22.5.

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

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

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

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

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

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

(g) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

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

(i) A remonstrance waiver executed on or before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(j) A remonstrance waiver executed after June 30, 2003, and not later than June 30, 2019, is subject to the following:

(1) The waiver is void unless the waiver was recorded:

(A) before January 1, 2020; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) **or subsection (l)** expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(k) A remonstrance waiver executed after June 30, 2019, ~~is subject to the following:~~ ~~(1) The waiver is void unless the waiver is must be recorded (A) not later than thirty (30) business days after the date the waiver was executed and (B) with the county recorder of the county where the property subject to the waiver is located. (2) A waiver that is not void under subdivision (1) expires not later than fifteen (15) years after the date the waiver is executed.~~ This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(l) Notwithstanding any other law, a remonstrance waiver is effective and binding on a landowner or a successor in title to a party to the contract only with regard to an annexation for which

1 **the annexation ordinance was adopted before April 1, 2022.**

2 SECTION 34. IC 36-9-25-14, AS AMENDED BY P.L.156-2020,
3 SECTION 149, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As to each municipality
5 to which this chapter applies:

6 (1) all the territory included within the corporate boundaries of
7 the municipality; and

8 (2) any territory, town, addition, platted subdivision, or unplatted
9 land lying outside the corporate boundaries of the municipality
10 that has been taken into the district in accordance with a prior
11 statute, the sewage or drainage of which discharges into or
12 through the sewage system of the municipality;

13 constitutes a special taxing district for the purpose of providing for the
14 sanitary disposal of the sewage of the district in a manner that protects
15 the public health and prevents the undue pollution of watercourses of
16 the district.

17 (b) Upon request by:

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

20 (2) a petition of the majority of the resident freeholders in a
21 platted subdivision or of the owners of unplatted land outside the
22 boundaries of a municipality, if the platted subdivision or
23 unplatted land is in the same county;

24 the board may adopt a resolution incorporating all or any part of the
25 area of the municipality, platted subdivision, or unplatted land into the
26 district.

27 (c) A request under subsection (b) must be signed and certified as
28 correct by the secretary of the legislative body, resident freeholders, or
29 landowners. The original shall be preserved in the records of the board.
30 The resolution of the board incorporating an area in the district must be
31 in writing and must contain an accurate description of the area
32 incorporated into the district. A certified copy of the resolution, signed
33 by the president and secretary of the board, together with a map
34 showing the boundaries of the district and the location of additional
35 areas, shall be delivered to the auditor of the county within which the
36 district is located. It shall be properly indexed and kept in the
37 permanent records of the offices of the auditor.

38 (d) In addition, upon request by ten (10) or more interested resident
39 freeholders in a platted or unplatted territory, the board may define the
40 limits of an area within the county and including the property of the
41 freeholders that is to be considered for inclusion into the district.
42 Notice of the defining of the area by the board, and notice of the
43 location and limits of the area, shall be given by publication in
44 accordance with IC 5-3-1. Upon request by a majority of the resident
45 freeholders of the area, the area may be incorporated into the district in
46 the manner provided in this section. The resolution of the board

1 incorporating the area into the district and a map of the area shall be
2 made and filed in the same manner.

3 (e) In addition, a person owning or occupying real property outside
4 the district may enter into a sewer service agreement with the board for
5 connection to the sewage works of the district. If the agreement
6 provides for connection at a later time, the date or the event upon
7 which the service commences shall be stated in the agreement. The
8 agreement may impose any conditions for connection that the board
9 determines. The agreement must also provide the amount of service
10 charge to be charged for connection if the persons are not covered
11 under section 11 of this chapter, with the amount to be fixed by the
12 board in its discretion and without a hearing.

13 (f) All sewer service agreements made under subsection (e) or (after
14 June 30, 2013) a signed memorandum of the sewer service agreement
15 shall be recorded in the office of the recorder of the county where the
16 property is located. The agreements run with the property described
17 and are binding upon the persons owning or occupying the property,
18 their personal representatives, heirs, devisees, grantees, successors, and
19 assigns. Each agreement that is recorded, or each agreement of which
20 a signed memorandum is recorded, and that provides for the property
21 being served to be placed on the tax rolls shall be certified by the board
22 to the auditor of the county where the property is located. The
23 certification must state the date the property is to be placed on the tax
24 rolls, and upon receipt of the certification together with a copy of the
25 agreement, the auditor shall immediately place the property certified
26 upon the rolls of property subject to the levy and collection of taxes for
27 the district. An agreement may provide for the collection of a service
28 charge for the period services are rendered before the levy and
29 collection of the tax.

30 (g) Except as provided in subsections (j) and (l), sewer service
31 agreements made under subsection (e) must contain a waiver provision
32 that persons (other than municipalities) who own or occupy property
33 agree for themselves, their executors, administrators, heirs, devisees,
34 grantees, successors, and assigns that they will:

- 35 (1) neither object to nor file a remonstrance against the proposed
- 36 annexation of the property by a municipality within the
- 37 boundaries of the district;
- 38 (2) not appeal from an order or a judgment annexing the property
- 39 to a municipality; and
- 40 (3) not file a complaint or an action against annexation
- 41 proceedings.

42 (h) This subsection does not affect any rights or liabilities accrued
43 or proceedings begun before July 1, 2013. Those rights, liabilities, and
44 proceedings continue and shall be imposed and enforced under prior
45 law as if this subsection had not been enacted. For contracts executed
46 after June 30, 2013, a waiver of the right to remonstrate under

subsection (g) that is not void under subsection (m), (n), or (o) is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

(1) has actual notice of the waiver; or

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

(i) This section does not affect any sewer service agreements entered into before March 13, 1953. However, this section applies to a remonstrance waiver regardless of when the waiver was executed.

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

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

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

(k) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance has been granted with respect to the property.

(l) The board may waive the waiver provision described in subsection (g) in a sewer service agreement made under subsection (e) if the sewer service agreement involves a connection to the district's sewage works under IC 36-9-22.5.

(m) A remonstrance waiver executed before July 1, 2003, is void. This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(n) A remonstrance waiver executed after June 30, 2003, and before July 1, 2019, is subject to the following:

(1) The waiver is void unless the waiver was recorded:

(A) before January 1, 2020; and

(B) with the county recorder of the county where the property subject to the waiver is located.

(2) A waiver that is not void under subdivision (1) **or subsection (p)** expires not later than fifteen (15) years after the date the waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2019.

(o) A remonstrance waiver executed after June 30, 2019, ~~is subject~~

1 to the following: ~~(1) The waiver is void unless the waiver is~~ **must be**
 2 recorded ~~(A)~~ not later than thirty (30) business days after the date the
 3 waiver was executed ~~and (B)~~ with the county recorder of the county
 4 where the property subject to the waiver is located. ~~(2) A waiver that~~
 5 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
 6 ~~years after the date the waiver is executed.~~ This subsection does not
 7 invalidate an annexation that was effective on or before July 1, 2019.

8 **(p) Notwithstanding any other law, a remonstrance waiver is**
 9 **effective and binding on a landowner or a successor in title to a**
 10 **party to the contract only with regard to an annexation for which**
 11 **the annexation ordinance was adopted before April 1, 2022.**

12 SECTION 35. **An emergency is declared for this act."**

13 Delete pages 13 through 18.

14 Renumber all SECTIONS consecutively.

(Reference is to EHB 1110 as printed February 15, 2022.)

Senator BOOTS