

SENATE BILL No. 23

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3.

Synopsis: Annexation. Provides the following with regard to an involuntary annexation for which an annexation ordinance is adopted after June 30, 2020: (1) Requires the county executive to review certain annexations (mandatory review). (2) Allows the county executive the option (if approved by a majority vote of the members) of reviewing certain annexations (discretionary review). Provides that: (1) whether a county executive has any review authority; and (2) if so, whether the review authority is discretionary or mandatory; depends upon the percentage that the total assessed value of taxable property annexed in the preceding calendar year (including voluntary and supervoluntary annexations) represents of the total assessed value of the municipality in the calendar year that the annexation ordinance is adopted (without considering the property annexed in the ordinance or in ordinances adopted in the preceding calendar year that have not taken effect). Allows a county executive that conducts a discretionary or mandatory review to do the following upon an affirmative vote of all of its members: (1) Terminate the annexation. (2) Void all annexation ordinances adopted during the calendar year. Requires a fiscal plan prepared after June 30, 2020, to address any estimated effects of the annexation on taxing units not included in the annexation. Requires after June 30, 2020, that notice be given of certain annexation proceedings to taxing units and political subdivisions evaluated for purposes of the fiscal plan.

Effective: July 1, 2020.

Boots

January 6, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 23

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-3-1.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 1.3. (a) This section applies to an annexation
4 ordinance adopted after June 30, 2020.**
5 **(b) This section applies to any taxing unit or political
6 subdivision that the municipality evaluates in its fiscal plan under
7 section 13(d)(8) of this chapter as being affected or potentially
8 affected by the annexation.**
9 **(c) The municipality shall provide notice to the fiscal officer of
10 a taxing unit or political subdivision of:**
11 **(1) an outreach program meeting under section 1.7(c) of this
12 chapter; and**
13 **(2) an annexation hearing under sections 2.1 and 2.2(b) of this
14 chapter;**
15 **in the same manner that notice is provided to owners of real
16 property described under section 2.2(c) of this chapter. The
17 municipality shall provide notice to a taxing unit or political**



1 **subdivision under this section, regardless of whether the**
 2 **municipality determines in the fiscal plan that the annexation**
 3 **affects the taxing unit or political subdivision.**

4 SECTION 2. IC 36-4-3-1.7, AS AMENDED BY P.L.206-2016,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 1.7. (a) This section applies only to an annexation
 7 ordinance adopted after June 30, 2015. This section does not apply to
 8 an annexation under section 5.1 of this chapter.

9 (b) Not earlier than six (6) months before a municipality introduces
 10 an annexation ordinance, the municipality shall conduct an outreach
 11 program to inform citizens regarding the proposed annexation. For an
 12 annexation under section 3 or 4 of this chapter, the outreach program
 13 must conduct at least six (6) public information meetings regarding the
 14 proposed annexation. For an annexation under section 5 of this chapter,
 15 the outreach program must conduct at least three (3) public information
 16 meetings regarding the proposed annexation. The public information
 17 meetings must provide citizens with the following information:

18 (1) Maps showing the proposed boundaries of the annexation
 19 territory.

20 (2) Proposed plans for extension of capital and noncapital
 21 services in the annexation territory, including proposed dates of
 22 extension.

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

25 (c) The municipality shall provide notice of the dates, times, and
 26 locations of the outreach program meetings. The municipality shall
 27 publish the notice of the meetings under IC 5-3-1, including the date,
 28 time, and location of the meetings, except that notice must be published
 29 not later than thirty (30) days before the date of each meeting. The
 30 municipality shall also send notice to each owner of land within the
 31 annexation territory **and (after June 30, 2020) the fiscal officer of**
 32 **each political subdivision and taxing unit under section 1.3 of this**
 33 **chapter** not later than thirty (30) days before the date of the first
 34 meeting of the outreach program. The notice to landowners **and (after**
 35 **June 30, 2020) the fiscal officers under section 1.3 of this chapter**
 36 shall be sent by first class mail, certified mail with return receipt
 37 requested, or any other means of delivery that includes a return receipt
 38 and must include the following information:

39 (1) **If the notice is to a landowner, the notice** must inform the
 40 landowner that the municipality is proposing to annex territory
 41 that includes the landowner's property.

42 (2) The municipality is conducting an outreach program for the



1 purpose of providing information to landowners and the public
2 regarding the proposed annexation.

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

5 (d) The notice shall be sent to the address of the landowner as listed
6 on the tax duplicate. **After June 30, 2020, the notice shall also be sent**
7 **to the fiscal officer of the political subdivision or taxing unit.** If the
8 municipality provides evidence that the notice was sent:

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

11 (2) in accordance with this section;

12 it is not necessary that the landowner **or (after June 30, 2020) fiscal**
13 **officer** accept receipt of the notice. If a remonstrance is filed under
14 section 11 of this chapter, the municipality shall file with the court
15 proof that notices were sent to landowners under this section and proof
16 of publication.

17 (e) The notice required under this section is in addition to any notice
18 required under sections 2.1 and 2.2 of this chapter.

19 SECTION 3. IC 36-4-3-3.5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) An annexation
21 ordinance adopted under this chapter must contain the following
22 information:

23 (1) A description of the boundaries of the territory to be annexed,
24 including any public highway or right-of-way.

25 (2) The approximate number of acres in the territory to be
26 annexed.

27 (3) A description of any special terms and conditions adopted
28 under section 8 of this chapter.

29 **(4) This subdivision applies only to an annexation ordinance**
30 **adopted after June 30, 2020. This subdivision does not apply**
31 **to an annexation ordinance adopted under section 5 or 5.1 of**
32 **this chapter. A statement of the following:**

33 **(A) The amounts determined under section 10.1(c)(1),**
34 **10.1(c)(2), and 10.1(c)(3) of this chapter.**

35 **(B) The percentage that each amount determined under**
36 **section 10.1(c)(1) and 10.1(c)(2) of this chapter represents**
37 **of the amount determined under section 10.1(c)(3) of this**
38 **chapter.**

39 (b) An ordinance adopted under section 3 or 4 of this chapter must
40 also contain a description of any property tax abatements adopted
41 under section 8.5 of this chapter.

42 SECTION 4. IC 36-4-3-10.1 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2020]: **Sec. 10.1. (a) This section applies only to an annexation
3 ordinance adopted after June 30, 2020.**

4 **(b) The following definitions apply throughout this section:**

5 **(1) "Earlier annexation ordinance" refers to an annexation
6 ordinance (including the ordinance of an annexation under
7 section 5 or 5.1 of this chapter) adopted in the calendar year
8 preceding the calendar year in which the pending annexation
9 ordinance is adopted.**

10 **(2) "Pending annexation" refers to an annexation (not
11 including an annexation under section 5 or 5.1 of this chapter)
12 for which a determination is made under subsection (e)
13 regarding county executive review of the annexation.**

14 **(3) "Pending annexation ordinance" refers to the annexation
15 ordinance of a pending annexation.**

16 **(c) Whenever a municipality adopts an annexation ordinance
17 (except for an ordinance of an annexation under section 5 or 5.1 of
18 this chapter), the municipality shall determine the following:**

19 **(1) The total gross assessed value of all taxable property
20 annexed by the municipality in all earlier annexation
21 ordinances, regardless of when the ordinances take effect.
22 Total gross assessed value shall be determined as of the
23 assessment date in the calendar year preceding the calendar
24 year in which the pending annexation ordinance was adopted.**

25 **(2) The total gross assessed value of all taxable property
26 annexed by the municipality in all earlier annexation
27 ordinances that were adopted on the same date, regardless of
28 when the ordinances take effect. Total gross assessed value
29 shall be determined as of the assessment date in the calendar
30 year preceding the calendar year in which the pending
31 annexation ordinance was adopted.**

32 **(3) The total gross assessed value of all taxable property in the
33 municipality in the calendar year in which the pending
34 annexation ordinance was adopted without considering the
35 territory to be annexed in:**

36 **(A) the pending annexation ordinance; and**

37 **(B) any earlier annexation ordinance that has not taken
38 effect.**

39 **(d) The municipality shall file the pending annexation ordinance
40 and fiscal plan with the county executive of each county in which
41 the annexation territory is located not later than seven (7) business
42 days after the pending annexation ordinance is adopted, if the**



- 1 pending annexation is:
- 2 (1) subject to mandatory review by the county executive
- 3 under (e)(1) or (e)(3); or
- 4 (2) eligible for discretionary review by the county executive
- 5 under subsection (e)(2).
- 6 (e) The authority of the county executive to review the pending
- 7 annexation shall be determined according to the following:
- 8 (1) The county executive shall review the pending annexation
- 9 if the total gross assessed value determined under subsection
- 10 (c)(1) is more than fifteen percent (15%) of the total gross
- 11 assessed value determined under subsection (c)(3).
- 12 (2) The county executive may review the pending annexation
- 13 if:
- 14 (A) the total gross assessed value determined under
- 15 subsection (c)(2) is:
- 16 (i) more than five percent (5%); and
- 17 (ii) not more than fifteen percent (15%);
- 18 of the total gross assessed value determined under
- 19 subsection (c)(3); and
- 20 (B) all of the members of the county executive vote in favor
- 21 of reviewing the pending annexation not later than fifteen
- 22 (15) business days after the date of filing under subsection
- 23 (d).
- 24 The county executive shall provide notice under subsection (g)
- 25 if the county executive votes in favor of reviewing the pending
- 26 annexation.
- 27 (3) The county executive shall review the pending annexation
- 28 if the pending annexation meets the criteria for both
- 29 mandatory review in subdivision (1) and discretionary review
- 30 in subdivision (2).
- 31 (f) After the county executive completes its discretionary or
- 32 mandatory review, the county executive may vote, not later than
- 33 ninety (90) days after the date of filing under subsection (d), on the
- 34 question of whether the pending annexation should proceed or
- 35 terminate. If all the members of the county executive vote in favor
- 36 of terminating the pending annexation, both of the following occur:
- 37 (1) The pending annexation is terminated and may not
- 38 proceed under section 11.1(d) of this chapter.
- 39 (2) Any annexation ordinance that was adopted by the
- 40 municipality during the calendar year in which the pending
- 41 annexation ordinance was adopted is void.
- 42 If the county executive does not take action or less than all of its



1 members vote in favor of terminating the pending annexation, the
 2 pending annexation shall proceed under section 11.1(d) of this
 3 chapter. Notice shall be provided in accordance with subsection (g)
 4 if the county executive terminates the pending annexation or if the
 5 pending annexation will proceed.

6 (g) The notice required under subsections (e) and (f) shall be
 7 provided by publication in accordance with IC 5-3-1 and to owners
 8 of real property described in section 2.2 of this chapter and taxing
 9 units and political subdivisions described in section 1.3 of this
 10 chapter. The municipality shall provide the county executive with
 11 the names and addresses of owners of real property under section
 12 2.2 of this chapter and the fiscal officers of the taxing units and
 13 political subdivisions under section 1.3 of this chapter.

14 (h) The failure of a county executive to review, deny, or take any
 15 action on a pending annexation does not affect the right of an
 16 owner of real property to remonstrate, file an appeal, or take any
 17 other action with respect to the pending annexation that is
 18 permitted by law.

19 SECTION 5. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015,
 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 11.1. (a) **Except as provided in subsection (c),**
 22 this section applies only to an annexation ordinance adopted after June
 23 30, 2015.

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

28 (c) **An annexation that is eligible for discretionary review or**
 29 **that is subject to mandatory review by the county executive under**
 30 **section 10.1 of this chapter must file the annexation ordinance and**
 31 **fiscal plan with the county executive before the annexation may**
 32 **proceed under subsection (d).**

33 (d) The proper officers of the municipality must give notice of
 34 the applicability of the remonstrance process by providing notice by:

- 35 (1) publication in accordance with IC 5-3-1; and
- 36 (2) first class mail or certified mail with return receipt requested,
 37 or any other means of delivery that includes a return receipt to the
 38 circuit court clerk, ~~and~~ to owners of real property described in
 39 section 2.2 of this chapter, **and (after June 30, 2020) to any**
 40 **political subdivision and taxing unit under section 1.3 of this**
 41 **chapter.**

42 Notice under this section must be published and mailed or delivered on



1 the same date that notice of the adoption of the annexation ordinance
2 is published under section 7 of this chapter.

3 ~~(d)~~ **(e)** The notice of the applicability of the remonstrance process
4 under subsection ~~(c)~~ **(d)** must state the following:

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

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

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

16 (2) A remonstrance petition may be signed at the locations
17 provided by the municipality under subsection ~~(c)~~ **(f)**. The notice
18 must provide the following information regarding each location:

19 (A) The address of the location.

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

22 ~~(c)~~ **(f)** Beginning the day after publication of the notice under
23 subsection ~~(c)~~ **(d)** and ending not later than ninety (90) days after
24 publication of the notice under subsection ~~(c)~~ **(d)**, the municipality
25 shall provide both of the following:

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

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

31 The location must meet the following requirements:

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

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

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

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

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

41 (ii) On a day that the location is open on a Saturday or
42 Sunday, the location must be open at least four (4) hours



1 during the period from 9 a.m. to 5 p.m.

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

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

8 SECTION 6. IC 36-4-3-13, AS AMENDED BY P.L.206-2016,
9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]: Sec. 13. (a) Except as provided in subsection (e), at the
11 hearing under section 12 of this chapter, the court shall order a
12 proposed annexation to take place if the following requirements are
13 met:

- 14 (1) The requirements of either subsection (b) or (c).
15 (2) The requirements of subsection (d).
16 (3) The requirements of subsection (i).

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

- 19 (1) That the territory sought to be annexed is contiguous to the
20 municipality.
21 (2) One (1) of the following:
22 (A) The resident population density of the territory sought to
23 be annexed is at least three (3) persons per acre.
24 (B) Sixty percent (60%) of the territory is subdivided.
25 (C) The territory is zoned for commercial, business, or
26 industrial uses.

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

- 29 (1) That the territory sought to be annexed is:
30 (A) contiguous to the municipality as required by section 1.5
31 of this chapter, except that at least one-fourth (1/4), instead of
32 one-eighth (1/8), of the aggregate external boundaries of the
33 territory sought to be annexed must coincide with the
34 boundaries of the municipality; and
35 (B) needed and can be used by the municipality for its
36 development in the reasonably near future.

- 37 (2) This subdivision applies only to an annexation for which an
38 annexation ordinance is adopted after December 31, 2016. That
39 the territory sought to be annexed involves an economic
40 development project and the requirements of section 11.4 of this
41 chapter are met.

42 (d) The requirements of this subsection are met if the evidence



1 establishes that the municipality has developed and adopted a written
 2 fiscal plan and has established a definite policy, by resolution of the
 3 legislative body as set forth in section 3.1 of this chapter. The fiscal
 4 plan must show the following:

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

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

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

15 (4) That planned services of a noncapital nature, including police
 16 protection, fire protection, street and road maintenance, and other
 17 noncapital services normally provided within the corporate
 18 boundaries, will be provided to the annexed territory within one
 19 (1) year after the effective date of annexation and that they will be
 20 provided in a manner equivalent in standard and scope to those
 21 noncapital services provided to areas within the corporate
 22 boundaries regardless of similar topography, patterns of land use,
 23 and population density.

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

33 (6) This subdivision applies to a fiscal plan prepared after June
 34 30, 2015. The estimated effect of the proposed annexation on
 35 taxpayers in each of the political subdivisions to which the
 36 proposed annexation applies, including the expected tax rates, tax
 37 levies, expenditure levels, service levels, and annual debt service
 38 payments in those political subdivisions for four (4) years after
 39 the effective date of the annexation.

40 (7) This subdivision applies to a fiscal plan prepared after June
 41 30, 2015. The estimated effect the proposed annexation will have
 42 on municipal finances, specifically how municipal tax revenues



- 1 will be affected by the annexation for four (4) years after the
- 2 effective date of the annexation.
- 3 (8) This subdivision applies to a fiscal plan prepared after ~~June~~
- 4 ~~30, 2015.~~ **June 30, 2019.** Any estimated effects on political
- 5 subdivisions **and taxing units (as defined in IC 6-1.1-1-21)** in
- 6 the county that are not part of the annexation and on taxpayers
- 7 located in those political subdivisions **and taxing units (as**
- 8 **defined in IC 6-1.1-1-21)** for four (4) years after the effective
- 9 date of the annexation.
- 10 (9) This subdivision applies to a fiscal plan prepared after June
- 11 30, 2015. A list of all parcels of property in the annexation
- 12 territory and the following information regarding each parcel:
- 13 (A) The name of the owner of the parcel.
- 14 (B) The parcel identification number.
- 15 (C) The most recent assessed value of the parcel.
- 16 (D) The existence of a known waiver of the right to
- 17 remonstrate on the parcel. This clause applies only to a fiscal
- 18 plan prepared after June 30, 2016.
- 19 (e) At the hearing under section 12 of this chapter, the court shall do
- 20 the following:
- 21 (1) Consider evidence on the conditions listed in subdivision (2).
- 22 (2) Order a proposed annexation not to take place if the court
- 23 finds that all of the following conditions that are applicable to the
- 24 annexation exist in the territory proposed to be annexed:
- 25 (A) This clause applies only to an annexation for which an
- 26 annexation ordinance was adopted before July 1, 2015. The
- 27 following services are adequately furnished by a provider
- 28 other than the municipality seeking the annexation:
- 29 (i) Police and fire protection.
- 30 (ii) Street and road maintenance.
- 31 (B) The annexation will have a significant financial impact on
- 32 the residents or owners of land. The court may not consider:
- 33 (i) the personal finances; or
- 34 (ii) the business finances;
- 35 of a resident or owner of land. The personal and business
- 36 financial records of the residents or owners of land, including
- 37 state, federal, and local income tax returns, may not be subject
- 38 to a subpoena or discovery proceedings.
- 39 (C) The annexation is not in the best interests of the owners of
- 40 land in the territory proposed to be annexed as set forth in
- 41 subsection (f).
- 42 (D) This clause applies only to an annexation for which an



1 annexation ordinance is adopted before July 1, 2015. One (1)
2 of the following opposes the annexation:

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

5 (ii) The owners of more than seventy-five percent (75%) in
6 assessed valuation of the land in the territory proposed to be
7 annexed.

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

10 (E) This clause applies only to an annexation for which an
11 annexation ordinance is adopted after June 30, 2015. One (1)
12 of the following opposes the annexation:

13 (i) At least fifty-one percent (51%) of the owners of land in
14 the territory proposed to be annexed.

15 (ii) The owners of more than sixty percent (60%) in assessed
16 valuation of the land in the territory proposed to be annexed.

17 The remonstrance petitions filed with the court under section
18 11 of this chapter are evidence of the number of owners of
19 land that oppose the annexation, minus any written revocations
20 of remonstrances that are filed with the court under section 11
21 of this chapter.

22 (F) This clause applies only to an annexation for which an
23 annexation ordinance is adopted before July 1, 2015. This
24 clause applies only to an annexation in which eighty percent
25 (80%) of the boundary of the territory proposed to be annexed
26 is contiguous to the municipality and the territory consists of
27 not more than one hundred (100) parcels. At least seventy-five
28 percent (75%) of the owners of land in the territory proposed
29 to be annexed oppose the annexation as determined under
30 section 11(b) of this chapter.

31 (f) The municipality under subsection (e)(2)(C) bears the burden of
32 proving that the annexation is in the best interests of the owners of land
33 in the territory proposed to be annexed. In determining this issue, the
34 court may consider whether the municipality has extended sewer or
35 water services to the entire territory to be annexed:

36 (1) within the three (3) years preceding the date of the
37 introduction of the annexation ordinance; or

38 (2) under a contract in lieu of annexation entered into under
39 IC 36-4-3-21.

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



- 1 (g) The most recent:
2 (1) federal decennial census;
3 (2) federal special census;
4 (3) special tabulation; or
5 (4) corrected population count;
6 shall be used as evidence of resident population density for purposes
7 of subsection (b)(2)(A), but this evidence may be rebutted by other
8 evidence of population density.
- 9 (h) A municipality that prepares a fiscal plan after June 30, 2015,
10 must comply with this subsection. A municipality may not amend the
11 fiscal plan after the date that a remonstrance is filed with the court
12 under section 11 of this chapter, unless amendment of the fiscal plan
13 is consented to by at least sixty-five percent (65%) of the persons who
14 signed the remonstrance petition.
- 15 (i) The municipality must submit proof that the municipality has
16 complied with:
17 (A) the outreach program requirements and notice requirements
18 of section 1.7 of this chapter; and
19 (B) the requirements of section 11.1 of this chapter.

