



January 30, 2024

SENATE BILL No. 159

DIGEST OF SB 159 (Updated January 25, 2024 2:00 pm - DI 140)

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

Synopsis: Annexation. With certain exceptions, requires a municipality that initiates an annexation to file with the court an annexation petition approved by the signatures of: (1) at least 51% of the owners of non-tax exempt land in the annexation territory; or (2) the owners of at least 75% in assessed valuation of non-tax exempt land in the annexation territory. Requires the court to hold a hearing if the petition has enough signatures. Adds provisions for determining the validity of signatures. Eliminates the following: (1) Remonstrances and remonstrance waivers. (2) Reimbursement of remonstrator's attorney's fees and costs. (3) Adoption of a fiscal plan for voluntary annexations requested by 100% of landowners in the annexation territory. (4) Settlement agreements in lieu of annexation. (5) Provisions regarding contiguity of a public highway.

Effective: Upon passage.

Buck

January 8, 2024, read first time and referred to Committee on Local Government.
January 29, 2024, reported favorably — Do Pass.

SB 159—LS 6235/DI 116



January 30, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 159

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

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

- 1 SECTION 1. IC 13-18-15-2, AS AMENDED BY P.L.257-2019,
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) The persons involved shall negotiate the
4 terms for connection and service under this chapter.
5 (b) If service is ordered under this chapter, a receiver of that service
6 that is located in an unincorporated area may grant a waiver to a
7 municipality providing the service. A waiver under this section:
8 (1) must waive the receiver's right of remonstrance against
9 annexation of the areas in which the service is to be provided; and
10 (2) may be one (1) of the terms for connection and service
11 described in subsection (a).
12 (c) The waiver, if granted:
13 (1) shall be noted on the deed of each property affected and
14 recorded as provided by law; and
15 (2) is considered a covenant running with the land.
16 (d) This subsection applies to any deed recorded after June 30,
17 2015. This subsection applies only to property that is subject to a

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1 remonstrance waiver. A municipality shall, within a reasonable time
 2 after the recording of a deed to property located within the
 3 municipality, provide written notice to the property owner that a waiver
 4 of the right of remonstrance exists with respect to the property.

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

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

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

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

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

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

26 **(h) Notwithstanding any other law, a waiver of the right of**
 27 **remonstrance is valid and binding on a landowner or a successor**
 28 **in title only with regard to an annexation for which the annexation**
 29 **ordinance was adopted before April 1, 2024.**

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

40 (b) This subsection applies to an annexation for which an
 41 annexation ordinance is adopted after June 30, 2015, **and before April**
 42 **1, 2024.** A public highway or the rights-of-way of a public highway are



1 contiguous to:
 2 (1) the municipality; or
 3 (2) property in the unincorporated area adjacent to the public
 4 highway or rights-of-way of a public highway;
 5 if the public highway or the rights-of-way of a public highway are
 6 contiguous under subsection (a) and one (1) of the requirements in
 7 subsection (c) is satisfied.

8 (c) **This subsection applies to an annexation for which an**
 9 **annexation ordinance is adopted after June 30, 2015, and before**
 10 **April 1, 2024.** A public highway or the rights-of-way of a public
 11 highway are not contiguous unless one (1) of the following
 12 requirements is met:

- 13 (1) The municipality obtains the written consent of the owners of
 14 all property:
 15 (A) adjacent to the entire length of the part of the public
 16 highway and rights-of-way of the public highway that is being
 17 annexed; and
 18 (B) not already within the corporate boundaries of the
 19 municipality.

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

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

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

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

37 SECTION 3. IC 36-4-3-1.7, AS AMENDED BY P.L.70-2022,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 1.7. (a) This section applies only to an
 40 annexation ordinance adopted after June 30, 2015. This section does
 41 not apply to an annexation under section 5.1 of this chapter.

42 (b) Not earlier than six (6) months before a municipality introduces



1 an annexation ordinance, the municipality shall conduct an outreach
 2 program to inform citizens regarding the proposed annexation. For an
 3 annexation under section 3 or 4 of this chapter, the outreach program
 4 must conduct at least six (6) public information meetings regarding the
 5 proposed annexation. For an annexation under section 5 or 5.2 of this
 6 chapter, the outreach program must conduct at least three (3) public
 7 information meetings regarding the proposed annexation. The public
 8 information meetings must provide citizens with the following
 9 information:

10 (1) Maps showing the proposed boundaries of the annexation
 11 territory.

12 (2) Proposed plans for extension of capital and noncapital
 13 services in the annexation territory, including proposed dates of
 14 extension. In the case of an annexation under section 5.2 of this
 15 chapter, a copy of the preliminary written fiscal plan.

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

18 (c) The municipality shall provide notice of the dates, times, and
 19 locations of the outreach program meetings. The municipality shall
 20 publish the notice of the meetings under IC 5-3-1, including the date,
 21 time, and location of the meetings, except that notice must be published
 22 not later than thirty (30) days before the date of each meeting. The
 23 municipality shall also send notice to each owner of land within the
 24 annexation territory not later than thirty (30) days before the date of the
 25 first meeting of the outreach program. The notice to landowners shall
 26 be sent by first class mail, certified mail with return receipt requested,
 27 or any other means of delivery that includes a return receipt and must
 28 include the following information:

29 (1) The notice **to the landowner** must inform the landowner that
 30 the municipality is proposing to annex territory that includes the
 31 landowner's property.

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

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

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

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

42 (2) in accordance with this section;



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

2 **(e) This subsection applies only to an annexation for which an**
 3 **annexation ordinance is adopted after June 30, 2015, and before**
 4 **April 1, 2024.** If a remonstrance is filed under section 11 of this
 5 chapter, the municipality shall file with the court proof that notices
 6 were sent to landowners under this section and proof of publication.

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

9 SECTION 4. IC 36-4-3-3.1, AS AMENDED BY P.L.70-2022,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 3.1. (a) This section does not apply to an
 12 annexation under:

- 13 **(1) section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter; or**
 14 **(2) section 5.1 of this chapter, for which an annexation**
 15 **ordinance is adopted after March 31, 2024.**

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

19 (c) Except as provided in subsection (d) and section 5.2 of this
 20 chapter, the municipality shall establish and adopt the written fiscal
 21 plan before mailing the notification to landowners in the territory
 22 proposed to be annexed under section 2.2 of this chapter.

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

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

- 33 (1) signed by at least:
 34 (A) fifty-one percent (51%) of the owners of land in the
 35 territory sought to be annexed; or
 36 (B) the owners of seventy-five percent (75%) of the total
 37 assessed value of the land for property tax purposes; and
 38 (2) requesting an ordinance annexing the area described in the
 39 petition.

40 (b) This subsection applies only to a petition requesting annexation
 41 that is filed after June 30, 2015. **A municipality may not collect**
 42 **signatures on an annexation petition that is filed with the legislative**



1 **body under this section after March 31, 2024.** If the owners of land
2 located outside of but contiguous to a municipality want to have
3 territory containing that land annexed to the municipality, they may file
4 with the legislative body of the municipality a petition that meets the
5 following requirements:

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

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

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

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

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

16 (B) The owners of seventy-five percent (75%) of the total
17 assessed value of the land for property tax purposes. Land that
18 was exempt from property taxes under IC 6-1.1-10 or any
19 other state law for the immediately preceding year may not be
20 included in calculating the total assessed valuation of the land
21 in the annexation territory. The court may not count an owner's
22 signature on a petition with regard to any single property that
23 the owner has an interest in that was exempt from property
24 taxes under IC 6-1.1-10 or any other state law for the
25 immediately preceding year.

26 (2) The petition requests an ordinance annexing the area
27 described in the petition.

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

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

33 (d) If the legislative body fails to pass the ordinance within one
34 hundred fifty (150) days after the date of filing of a petition under
35 subsection (a) or (b), the petitioners may file a duplicate copy of the
36 petition in the circuit or superior court of a county in which the territory
37 is located, and shall include a written statement of why the annexation
38 should take place. Notice of the proceedings, in the form of a
39 summons, shall be served on the municipality named in the petition.
40 The municipality is the defendant in the cause and shall appear and
41 answer.

42 (e) The court shall hear and determine the petition without a jury,



1 and shall order the proposed annexation to take place only if the
2 evidence introduced by the parties establishes that:

- 3 (1) essential municipal services and facilities are not available to
4 the residents of the territory sought to be annexed;
5 (2) the municipality is physically and financially able to provide
6 municipal services to the territory sought to be annexed;
7 (3) the population density of the territory sought to be annexed is
8 at least three (3) persons per acre; and
9 (4) the territory sought to be annexed is contiguous to the
10 municipality.

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

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

17 SECTION 6. IC 36-4-3-5.1, AS AMENDED BY P.L.160-2020,
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 5.1. (a) Owners of land that is located outside
20 but contiguous to a municipality or that is located in territory described
21 in section 4(i) of this chapter may **voluntarily** file a petition with the
22 legislative body of the municipality:

- 23 (1) requesting an ordinance annexing the area described in the
24 petition; and
25 (2) signed by:
26 (A) one hundred percent (100%) of the landowners that reside
27 within the territory that is proposed to be annexed, in the case
28 of a petition filed before July 1, 2015; and
29 (B) in the case of a petition filed after June 30, 2015, one
30 hundred percent (100%) of the owners of land within the
31 territory that is proposed to be annexed.

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

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

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

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



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

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

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

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

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

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

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

35 **(b) This section applies only to an annexation for which an**
 36 **annexation ordinance is adopted after March 31, 2024.**

37 **(c) After adopting an annexation ordinance under section 3 or**
 38 **4 of this chapter, in order for the annexation to proceed, the**
 39 **municipality must file a written petition under subsection (f) signed**
 40 **by owners of land in the territory proposed to be annexed who are**
 41 **in favor of the annexation. The petition must be signed by:**

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



- 1 (A) not exempt from property taxes under IC 6-1.1-10 or
2 any other state law; and
3 (B) in the territory proposed to be annexed; or
4 (2) the owners of more than seventy-five percent (75%) in
5 assessed valuation of land:
6 (A) not exempt from property taxes under IC 6-1.1-10 or
7 any other state law; and
8 (B) in the territory proposed to be annexed.
9 (d) The petition circulated by the municipality must include on
10 each page where signatures are affixed a heading that is
11 substantially similar to the following:
12 "PETITION FOR ANNEXATION INTO THE (insert whether
13 city or town) OF (insert name of city or town)."
14 (e) A landowner may withdraw the landowner's signature from
15 the petition not more than ten (10) days after the municipality
16 adopts the annexation ordinance by providing written notice to the
17 office of the clerk of the municipality. A landowner who withdraws
18 the landowner's signature from the petition is considered not to
19 have signed the petition for purposes of subsection (h)(2).
20 (f) The municipality must file the petition with the circuit or
21 superior court of the county where the municipality is located not
22 later than ninety (90) days after the publication of the annexation
23 ordinance under section 7 of this chapter. The petition must be
24 accompanied by:
25 (1) a copy of the ordinance; and
26 (2) the names and addresses of all persons who meet the
27 requirements of subsection (h).
28 (g) On receipt of the petition, the court shall determine whether
29 the petition has the necessary signatures. In determining the total
30 number of landowners of the territory proposed to be annexed and
31 whether signers of the petition are landowners, the names
32 appearing on the tax duplicate for that territory constitute prima
33 facie evidence of ownership. Only one (1) person having an interest
34 in each single property, as evidenced by the tax duplicate, is
35 considered a landowner for purposes of this section. A person is
36 entitled to sign a petition only one (1) time, regardless of whether
37 the person owns more than one (1) parcel of real property. If the
38 court determines that the municipality's petition has a sufficient
39 number of signatures, the court shall fix a time, not later than sixty
40 (60) days after its determination, for a hearing on the petition.
41 (h) A person may intervene as a party at the hearing described
42 in subsection (g) if the following requirements are satisfied:



- 1 (1) The person owns, solely or with another person, property
- 2 that is in the territory proposed to be annexed.
- 3 (2) None of the owners of the property signed the petition filed
- 4 by the municipality.
- 5 (3) The person appeared in person or submitted a
- 6 remonstrance or other document objecting to the annexation
- 7 into the record of the municipality's hearing on the
- 8 annexation ordinance under section 2.1 of this chapter.
- 9 **The court shall give a person described in this subsection notice of**
- 10 **the hearing on the petition by certified mail.**
- 11 SECTION 8. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE
- 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 13 UPON PASSAGE]: **Sec. 5.6. (a) This section applies only to an**
- 14 **annexation for which an annexation ordinance is adopted after**
- 15 **March 31, 2024.**
- 16 **(b) A waiver or release of the right of remonstrance by a**
- 17 **landowner or successor in title is void and may not be considered**
- 18 **or counted as a valid signature on a petition in favor of annexation**
- 19 **under section 5, 5.1, or 5.5 of this chapter.**
- 20 **(c) If, with regard to a signature on a petition for annexation**
- 21 **under section 5, 5.1, or 5.5 of this chapter:**
- 22 **(1) the validity of a signature is uncertain; and**
- 23 **(2) this section does not establish a standard to be applied in**
- 24 **the case;**
- 25 **a reasonable doubt must be resolved in favor of the validity of the**
- 26 **signature.**
- 27 **(d) Whenever the name of an individual, as printed or signed,**
- 28 **contains a minor variation from the name of the individual as set**
- 29 **forth in the relevant county records, the signature is considered**
- 30 **valid.**
- 31 **(e) Whenever the residence address or mailing address of an**
- 32 **individual contains a minor variation from the residence address**
- 33 **or mailing address as set forth in the relevant county records, the**
- 34 **signature is considered valid.**
- 35 **(f) If the residence address or mailing address of an individual**
- 36 **contains a substantial variation from the residence address or**
- 37 **mailing address as set forth in the relevant county records, the**
- 38 **signature is considered invalid.**
- 39 **(g) If the signature of an individual does not substantially**
- 40 **conform with the signature of the individual as set forth in the**
- 41 **relevant county records, the signature is considered invalid. In**
- 42 **determining whether a signature substantially conforms with the**



1 signature in the relevant county records, consideration shall be
2 given to whether that lack of conformity may reasonably be
3 attributed to the age, disability, or impairment of the individual.

4 SECTION 9. IC 36-4-3-7, AS AMENDED BY P.L.105-2022,
5 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 7. (a) After an ordinance is adopted under
7 section 3, 4, 5, 5.1, or 5.2 of this chapter, it must be published in the
8 manner prescribed by IC 5-3-1.

9 (b) This subsection applies only to an annexation for which an
10 annexation ordinance is adopted before April 1, 2024. Except as
11 provided in subsection (b), (c), (d), or (e), in the absence of
12 remonstrance and appeal under section 11 or 15.5 of this chapter, the
13 ordinance takes effect at least ninety (90) days after its publication and
14 upon the filing required by section 22(a) of this chapter.

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

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

22 (2) This subdivision applies to an annexation under section 5.1
23 of this chapter. Except as provided in subsection (e), in the
24 absence of an appeal under section 15.5 of this chapter, the
25 ordinance takes effect at least thirty (30) days after the
26 adoption of the ordinance and upon the filing under section
27 22(a) of this chapter.

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

33 (4) This subdivision applies to an annexation under section 7.1
34 of this chapter for which an annexation ordinance is adopted
35 after March 31, 2024. If a final and unappealable judgment
36 under section 12 or 15.5 of this chapter is entered in favor of
37 the annexation, the annexation is effective upon the filing
38 under section 22(a) of this chapter.

39 (5) This subdivision applies to an annexation under section 7.2
40 of this chapter. In the absence of an appeal under section 15.5
41 of this chapter, the annexation ordinance takes effect at least
42 thirty (30) days after its publication and upon the filing under



- 1 **section 22(a) of this chapter.**
 2 ~~(b)~~ **(d)** For the purposes of this section, territory that has been:
 3 (1) added to an existing fire protection district under
 4 IC 36-8-11-11; or
 5 (2) approved by ordinance of the county legislative body to be
 6 added to an existing fire protection district under IC 36-8-11-11,
 7 notwithstanding that the territory's addition to the fire protection
 8 district has not yet taken effect;
 9 shall be considered a part of the fire protection district as of the date
 10 that the fire protection district was originally established.
 11 ~~(e)~~ **(e)** This subsection applies only to a fire protection district
 12 established after July 1, 1987. This subsection does not apply to an
 13 annexation under subsection (g). Whenever a municipality annexes
 14 territory, all or part of which lies within a fire protection district (IC
 15 36-8-11), the annexation ordinance, in the absence of remonstrance and
 16 appeal under section 11 or 15.5 of this chapter **(in the case of an**
 17 **annexation for which an annexation ordinance is adopted before**
 18 **April 1, 2024), or in the absence of a hearing or an appeal under**
 19 **section 12 or 15.5 of this chapter (in the case of an annexation for**
 20 **which an annexation ordinance is adopted after March 31, 2024),**
 21 takes effect the second January 1 that follows the date the ordinance is
 22 adopted and upon the filing required by section 22(a) of this chapter.
 23 The municipality shall:
 24 (1) provide fire protection to that territory beginning the date the
 25 ordinance is effective; and
 26 (2) send written notice to the fire protection district of the date the
 27 municipality will begin to provide fire protection to the annexed
 28 territory within ten (10) days of the date the ordinance is adopted.
 29 ~~(f)~~ **(f)** This subsection applies only to a fire protection district
 30 established after July 1, 1987. This subsection does not apply to an
 31 annexation under subsection (g). If the fire protection district from
 32 which a municipality annexes territory is indebted or has outstanding
 33 unpaid bonds or other obligations at the time the annexation is
 34 effective, the municipality is liable for and shall pay that indebtedness
 35 in the same ratio as the assessed valuation of the property in the
 36 annexed territory (that is part of the fire protection district) bears to the
 37 assessed valuation of all property in the fire protection district, as
 38 shown by the most recent assessment for taxation before the
 39 annexation, unless the assessed property within the municipality is
 40 already liable for the indebtedness. The annexing municipality shall
 41 pay its indebtedness under this section to the board of fire trustees. If
 42 the indebtedness consists of outstanding unpaid bonds or notes of the



1 fire protection district, the payments to the board of fire trustees shall
2 be made as the principal or interest on the bonds or notes becomes due.

3 (e) ~~This subsection applies to an annexation initiated by property~~
4 ~~owners under section 5.1 of this chapter in which all property owners~~
5 ~~within the area to be annexed petition the municipality to be annexed.~~
6 ~~Subject to subsection (c); and in the absence of an appeal under section~~
7 ~~15.5 of this chapter, an annexation ordinance takes effect at least thirty~~
8 ~~(30) days after its publication and upon the filing required by section~~
9 ~~22(a) of this chapter.~~

10 (f) (g) Whenever a municipality annexes territory that lies within a
11 fire protection district that has a total net assessed value (as determined
12 by the county auditor) of more than one billion dollars
13 (\$1,000,000,000) on the date the annexation ordinance is adopted:

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

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

26 SECTION 10. IC 36-4-3-7.1, AS AMENDED BY P.L.104-2022,
27 SECTION 156, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) An ordinance adopted
29 under section 4 or 5.1 of this chapter **that meets the conditions set**
30 **forth in subsection (b) takes effect as follows:**

31 (1) **In the case of an annexation for which an annexation**
32 **ordinance was adopted before April 1, 2024, the ordinance**
33 **takes effect** immediately:

- 34 (A) upon the expiration of the remonstrance and appeal period
35 under section 11, 11.1, or 15.5 of this chapter; and
- 36 (B) after the publication, filing, and recording required by
37 section 22(a) of this chapter. ~~if all of the following conditions~~
38 ~~are met:~~

39 (2) **In the case of an annexation for which an annexation**
40 **ordinance was adopted after March 31, 2024, the ordinance**
41 **takes effect as set forth in section 7(c)(4) of this chapter.**

42 (b) **This section applies to an annexation that meets all of the**



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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 11. IC 36-4-3-7.2, AS ADDED BY P.L.23-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) This section applies to an annexation that satisfies all of the following:

- (1) The annexation ordinance is adopted after December 31, 2020.
- (2) The annexation is initiated by property owners under section 5.1 of this chapter in which all property owners within the annexation territory petition the municipality to be annexed.
- (3) All or part of the annexation territory is within a fire protection district that was established after July 1, 1987.
- (4) At least a majority of the members of the board of trustees of the fire protection district adopt a resolution consenting to the annexation.
- (5) The portion of the annexation territory located within the fire protection district constitutes less than three percent (3%) of the total net assessed value (as determined by the county auditor) of the fire protection district on the date the annexation ordinance is adopted.

(b) Section ~~7(b)~~, 7(c), **7(d)**, and 7(e) of this chapter apply to an annexation under this section.

(c) Section ~~7(a)~~, ~~7(d)~~, **7(b)**, 7(f), and 7(g) of this chapter do not apply to an annexation under this section.

(d) After an annexation ordinance is adopted, the ordinance must be published in the manner prescribed by IC 5-3-1. ~~In the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter. The annexation ordinance takes effect as set forth in section 7(c)(5) of this chapter.~~

SECTION 12. 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);~~



1 whenever territory is annexed by a municipality under this chapter, the
 2 annexation may be appealed by filing with the circuit or superior court
 3 of a county in which the annexed territory is located a written
 4 remonstrance signed by:

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

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

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

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

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

30 (d) This subsection applies only to an annexation for which an
 31 annexation ordinance was adopted after June 30, 2015, **and before**
 32 **April 1, 2024**. If the requirements of section 11.3(c) or (after
 33 December 31, 2016) section 11.4 of this chapter are met, the
 34 annexation may be appealed by filing with the circuit or superior court
 35 of a county in which the annexed territory is located:

36 (1) the signed remonstrances filed with the county auditor;

37 (2) the county auditor's certification under section 11.2(i) of this
 38 chapter;

39 (3) the annexation ordinance; and

40 (4) a statement of the reason why the annexation should not take
 41 place.

42 The remonstrance must be filed with the court not later than fifteen



1 (15) business days after the date the county auditor files the certificate
 2 with the legislative body under section 11.2(i) of this chapter. After a
 3 remonstrance petition is filed with the court, any person who signed a
 4 remonstrance may file with the court a verified, written revocation of
 5 the person's opposition to the annexation.

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

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

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

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

22 SECTION 13. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 11.1. (a) This section applies only to an
 25 annexation ordinance adopted after June 30, 2015, **and before April**
 26 **1, 2024.**

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

31 (c) The proper officers of the municipality must give notice of the
 32 applicability of the remonstrance process by providing notice by:

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

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

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

- 42 (1) Any owners of real property within the area proposed to be



1 annexed who want to remonstrate against the proposed
 2 annexation must complete and file remonstrance petitions in
 3 compliance with this chapter. The notice must state:

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

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

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

14 (A) The address of the location.

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

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

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

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

26 The location must meet the following requirements:

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

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

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

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

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

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

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

42 (1) to witness the signing of remonstrance petitions; and



1 (2) who shall swear and affirm before a notary public that the
 2 person witnessed each person sign the remonstrance petition.
 3 SECTION 14. IC 36-4-3-11.2, AS AMENDED BY P.L.206-2016,
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 11.2. (a) This section applies only to an
 6 annexation ordinance adopted after June 30, 2015, **and before April**
 7 **1, 2024.**
 8 (b) A remonstrance petition may be filed by an owner of real
 9 property that:
 10 (1) is within the area to be annexed;
 11 (2) was not exempt from property taxes under IC 6-1.1-10 or any
 12 other state law for the immediately preceding year; and
 13 (3) is not subject to a valid waiver of remonstrance.
 14 (c) A remonstrance petition must comply with the following in order
 15 to be effective:
 16 (1) Each signature on a remonstrance petition must be dated, and
 17 the date of the signature may not be earlier than the date on which
 18 the remonstrance forms may be issued by the county auditor
 19 under subsection (e)(7).
 20 (2) Each person who signs a remonstrance petition must indicate
 21 the address of the real property owned by the person in the area
 22 to be annexed.
 23 (3) A remonstrance petition must be verified in compliance with
 24 subsection (e).
 25 (d) The state board of accounts shall design the remonstrance forms
 26 to be used solely in the remonstrance process described in this section.
 27 The state board of accounts shall provide the forms to the county
 28 auditor in an electronic format that permits the county auditor to copy
 29 or reproduce the forms using:
 30 (1) the county auditor's own equipment; or
 31 (2) a commercial copying service.
 32 The annexing municipality shall reimburse the county auditor for the
 33 cost of reproducing the remonstrance forms.
 34 (e) The county auditor's office shall issue remonstrance forms
 35 accompanied by instructions detailing all of the following
 36 requirements:
 37 (1) The closing date for the remonstrance period.
 38 (2) Only one (1) person having an interest in each single property
 39 as evidenced by the tax duplicate is considered an owner of
 40 property and may sign a remonstrance petition. A person is
 41 entitled to sign a petition only one (1) time in a remonstrance
 42 process, regardless of whether the person owns more than one (1)



1 parcel of real property.

2 (3) An individual may not be:

3 (A) compensated for; or

4 (B) reimbursed for expenses incurred in;

5 circulating a remonstrance petition and obtaining signatures.

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

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

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

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

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

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

22 (7) The county auditor's office may not issue a remonstrance
23 petition earlier than the day that notice is published under section
24 11.1 of this chapter. The county auditor's office shall certify the
25 date of issuance on each remonstrance petition. Any person may
26 pick up additional copies of the remonstrance petition to
27 distribute to other persons.

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

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



1 (g) Not later than five (5) business days after receiving the
 2 remonstrance petition, the county auditor shall submit a copy of the
 3 remonstrance petition to the legislative body of the annexing
 4 municipality.

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

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

16 (1) who signed the remonstrance; and

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

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

24 SECTION 15. IC 36-4-3-11.3, AS ADDED BY P.L.228-2015,
 25 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 11.3. (a) This section applies only to an
 27 annexation ordinance adopted after June 30, 2015, **and before April**
 28 **1, 2024.**

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

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

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

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

39 (2) The owners of at least eighty percent (80%) in assessed
 40 valuation of the land in the annexed territory. Land that was
 41 exempt from property taxes under IC 6-1.1-10 or any other state
 42 law for the immediately preceding year may not be included in



1 calculating the total assessed valuation of the land in the
 2 annexation territory. The court may not count the owner's
 3 signature on a remonstrance with regard to any single property
 4 that the owner has an interest in that was exempt from property
 5 taxes under IC 6-1.1-10 or any other state law for the immediately
 6 preceding year.

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

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

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

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

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

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

32 (1) The annexation ordinance is adopted after December 31,
 33 2016, **and before April 1, 2024.**

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

38 (A) the municipality; and

39 (B) the site of an economic development project.

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



- 1 (1) The annexing municipality determines that the project will:
 2 (A) promote significant opportunities for the gainful
 3 employment of its citizens;
 4 (B) attract a major new business enterprise to the municipality;
 5 or
 6 (C) retain or expand a significant business enterprise within
 7 the municipality.
 8 (2) The project involves expenditures by the annexing
 9 municipality for any of the following:
 10 (A) Land acquisition, interests in land, site improvements,
 11 infrastructure improvements, buildings, or structures.
 12 (B) Rehabilitation, renovation, and enlargement of buildings
 13 and structures.
 14 (C) Machinery, equipment, furnishings, or facilities.
 15 (D) Substance removal or remedial action.
 16 (c) Notwithstanding section 11.3(b) of this chapter, even if a
 17 remonstrance has enough signatures to satisfy the requirements of
 18 section 11.3(b) of this chapter, the annexation ordinance is not void and
 19 may be appealed to the court under section 11 of this chapter, if all of
 20 the following requirements are met:
 21 (1) The economic development project site needs the following
 22 capital services that the municipality is lawfully able to provide:
 23 (A) water;
 24 (B) sewer;
 25 (C) gas; or
 26 (D) any combination of the capital services described in
 27 clauses (A) through (C).
 28 (2) The municipality finds that it is in the municipality's best
 29 interest to annex the annexation territory in order to extend,
 30 construct, or operate the capital services that are provided to the
 31 economic development project site.
 32 (3) Before the date the annexation ordinance is adopted, a
 33 taxpayer whose business will occupy the economic development
 34 project site has done at least one (1) of the following:
 35 (A) Filed a statement of benefits under IC 6-1.1-12.1 with the
 36 designating body for the annexing municipality for a deduction
 37 or abatement.
 38 (B) Entered into an agreement with the Indiana economic
 39 development corporation for a credit under IC 6-3.1-13.
 40 (d) If the economic development project:
 41 (1) has not commenced within twelve (12) months after the date
 42 the annexation ordinance is adopted; or



1 (2) is not completed within thirty-six (36) months after the date
 2 the annexation ordinance is adopted;
 3 the annexation territory is disannexed from the municipality and reverts
 4 to the jurisdiction of the unit having jurisdiction before the annexation.
 5 For purposes of this subsection, ~~a~~ **an** economic development project is
 6 considered to have commenced on the day that the physical erection,
 7 installation, alteration, repair, or remodeling of a building or structure
 8 commences on the site of the economic development project.

9 SECTION 17. IC 36-4-3-11.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. **(a)** A
 11 landowner in an unincorporated area is not required to grant a
 12 municipality a waiver against remonstrance as a condition of
 13 connection to a sewer or water service if all of the following conditions
 14 apply:

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

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

20 **(b) Notwithstanding any other law, a waiver against**
 21 **remonstrance is effective and binding on a landowner or a**
 22 **successor in title only with regard to an annexation for which the**
 23 **annexation ordinance was adopted before April 1, 2024.**

24 SECTION 18. IC 36-4-3-11.6, AS ADDED BY P.L.228-2015,
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 11.6. (a) This section applies to a
 27 remonstrance filed after June 30, 2015, **and before April 1, 2024.**

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

32 (1) that are incurred:

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

34 (B) in remonstrating against the annexation; and

35 (2) not to exceed thirty-seven thousand five hundred dollars
 36 (\$37,500).

37 SECTION 19. IC 36-4-3-11.7, AS AMENDED BY P.L.257-2019,
 38 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: Sec. 11.7. (a) This subsection
 40 applies to any deed recorded after June 30, 2015. This subsection
 41 applies only to property that is subject to a remonstrance waiver. A
 42 municipality shall, within a reasonable time after the recording of a



1 deed to property located within the municipality, provide written notice
2 to the property owner that a waiver of the right of remonstrance exists
3 with respect to the property.

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

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

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

10 (A) before January 1, 2020; and

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

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

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

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

25 **(e) Notwithstanding any other law, a remonstrance waiver is**
26 **effective and binding on a landowner or a successor in title only**
27 **with regard to an annexation for which the annexation ordinance**
28 **was adopted before April 1, 2024.**

29 SECTION 20. IC 36-4-3-12, AS AMENDED BY P.L.104-2022,
30 SECTION 158, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE UPON PASSAGE]: Sec. 12. The circuit or superior court
32 shall:

33 (1) on the date fixed under:

34 (A) section 11 of this chapter **(in the case of an annexation**
35 **for which an annexation ordinance is adopted before April**
36 **1, 2024),** hear and determine the remonstrance without a jury;
37 **or**

38 (B) section 5.5 of this chapter **(in the case of an annexation**
39 **for which an annexation ordinance is adopted after March**
40 **31, 2024),** hear and determine the petition without a jury;

41 and

42 (2) without delay, enter judgment on the question of the



- 1 annexation according to the evidence that either party may
2 introduce.
- 3 SECTION 21. IC 36-4-3-13, AS AMENDED BY P.L.70-2022,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e),
6 at the hearing under section 12 of this chapter, the court shall order a
7 proposed annexation to take place if the following requirements are
8 met:
- 9 (1) The requirements of either subsection (b) or (c).
10 (2) The requirements of subsection (d).
11 (3) The requirements of subsection (i) **(in the case of an**
12 **annexation for which an annexation ordinance is adopted**
13 **before April 1, 2024).**
- 14 (b) The requirements of this subsection are met if the evidence
15 establishes the following:
- 16 (1) That the territory sought to be annexed is contiguous to the
17 municipality.
18 (2) One (1) of the following:
19 (A) The resident population density of the territory sought to
20 be annexed is at least three (3) persons per acre.
21 (B) Sixty percent (60%) of the territory is subdivided.
22 (C) The territory is zoned for commercial, business, or
23 industrial uses.
- 24 (c) The requirements of this subsection are met if the evidence
25 establishes one (1) of the following:
- 26 (1) That the territory sought to be annexed is:
27 (A) contiguous to the municipality as required by section 1.5
28 of this chapter, except that at least one-fourth (1/4), instead of
29 one-eighth (1/8), of the aggregate external boundaries of the
30 territory sought to be annexed must coincide with the
31 boundaries of the municipality; and
32 (B) needed and can be used by the municipality for its
33 development in the reasonably near future.
34 (2) This subdivision applies only to an annexation for which an
35 annexation ordinance is adopted after December 31, 2016, **and**
36 **before April 1, 2024.** That the territory sought to be annexed
37 involves an economic development project and the requirements
38 of section 11.4 of this chapter are met.
39 (3) The territory is described in section 5.2 of this chapter.
- 40 (d) The requirements of this subsection are met if the evidence
41 establishes that the municipality has developed and adopted a written
42 fiscal plan and has established a definite policy, by resolution of the



1 legislative body as set forth in section 3.1 of this chapter. The fiscal
2 plan must show the following:

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

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

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

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

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

31 (6) This subdivision applies to a fiscal plan prepared after June
32 30, 2015. The estimated effect of the proposed annexation on
33 taxpayers in each of the political subdivisions to which the
34 proposed annexation applies, including the expected tax rates, tax
35 levies, expenditure levels, service levels, and annual debt service
36 payments in those political subdivisions for four (4) years after
37 the effective date of the annexation.

38 (7) This subdivision applies to a fiscal plan prepared after June
39 30, 2015. The estimated effect the proposed annexation will have
40 on municipal finances, specifically how municipal tax revenues
41 will be affected by the annexation for four (4) years after the
42 effective date of the annexation.



- 1 (8) This subdivision applies to a fiscal plan prepared after June
 2 30, 2015. Any estimated effects on political subdivisions in the
 3 county that are not part of the annexation and on taxpayers
 4 located in those political subdivisions for four (4) years after the
 5 effective date of the annexation.
- 6 (9) This subdivision applies to a fiscal plan prepared after June
 7 30, 2015. A list of all parcels of property in the annexation
 8 territory and the following information regarding each parcel:
- 9 (A) The name of the owner of the parcel.
 10 (B) The parcel identification number.
 11 (C) The most recent assessed value of the parcel.
 12 (D) The existence of a known waiver of the right to
 13 remonstrate on the parcel. This clause applies only to a fiscal
 14 plan prepared after June 30, 2016, **and before April 1, 2024.**
- 15 (e) At the hearing under section 12 of this chapter **with regard to**
 16 **an annexation for which an annexation ordinance was adopted**
 17 **before April 1, 2024**, the court shall do the following:
- 18 (1) Consider evidence on the conditions listed in subdivision (2).
 19 (2) Order a proposed annexation not to take place if the court
 20 finds that all of the following conditions that are applicable to the
 21 annexation exist in the territory proposed to be annexed:
- 22 (A) This clause applies only to an annexation for which an
 23 annexation ordinance was adopted before July 1, 2015. The
 24 following services are adequately furnished by a provider
 25 other than the municipality seeking the annexation:
 26 (i) Police and fire protection.
 27 (ii) Street and road maintenance.
- 28 (B) The annexation will have a significant financial impact on
 29 the residents or owners of land. The court may not consider:
 30 (i) the personal finances; or
 31 (ii) the business finances;
 32 of a resident or owner of land. The personal and business
 33 financial records of the residents or owners of land, including
 34 state, federal, and local income tax returns, may not be subject
 35 to a subpoena or discovery proceedings.
- 36 (C) The annexation is not in the best interests of the owners of
 37 land in the territory proposed to be annexed as set forth in
 38 subsection (f).
- 39 (D) This clause applies only to an annexation for which an
 40 annexation ordinance is adopted before July 1, 2015. One (1)
 41 of the following opposes the annexation:
 42 (i) At least sixty-five percent (65%) of the owners of land in



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

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

(E) This clause applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015, **and before April 1, 2024**. One (1) of the following opposes the annexation:

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

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

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

(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before April 1, 2024. The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

- (1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or
- (2) under a contract in lieu of annexation entered into under ~~IC 36-4-3-21~~ **section 21 of this chapter.**

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute 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:
- 12 (1) a remonstrance is filed with the court under section 11 of this
- 13 chapter **(in the case of an annexation for which an annexation**
- 14 **ordinance was adopted before April 1, 2024); or**
- 15 **(2) a petition is filed with the court under section 5.5 of this**
- 16 **chapter (in the case of an annexation for which an annexation**
- 17 **ordinance was adopted after March 31, 2024);**
- 18 unless amendment of the fiscal plan is consented to by ~~at least~~
- 19 ~~sixty-five percent (65%)~~ of the persons who signed the remonstrance
- 20 ~~or the petition.~~
- 21 (i) The municipality must submit proof that the municipality has
- 22 complied with:
- 23 (1) the outreach program requirements and notice requirements
- 24 of section 1.7 of this chapter; and
- 25 (2) the requirements of section 11.1 of this chapter **(in the case of**
- 26 **an annexation for which an annexation ordinance was**
- 27 **adopted after June 30, 2015, and before April 1, 2024).**
- 28 SECTION 22. IC 36-4-3-15, AS AMENDED BY P.L.228-2015,
- 29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 UPON PASSAGE]: Sec. 15. (a) The court's judgment under section 12
- 31 or 15.5 of this chapter must specify the annexation ordinance. ~~on which~~
- 32 ~~the remonstrance is based.~~ The clerk of the court shall deliver a
- 33 certified copy of the final and unappealable judgment to the clerk of the
- 34 municipality. The clerk of the municipality shall:
- 35 (1) record the judgment in the clerk's ordinance record; and
- 36 (2) make a cross-reference to the record of the judgment on the
- 37 margin of the record of the annexation ordinance.
- 38 (b) If a final and unappealable judgment under section 12 or 15.5 of
- 39 this chapter is adverse to annexation, the municipality may not make
- 40 further attempts to annex the territory or any part of the territory during
- 41 the four (4) years after the later of:
- 42 (1) the judgment of the circuit or superior court; or



1 (2) the date of the final disposition of all appeals to a higher court;
2 unless the annexation is petitioned for under section 5 or 5.1 of this
3 chapter.

4 (c) This subsection applies if a municipality repeals the annexation
5 ordinance:

6 (1) less than sixty-one (61) days after the publication of the
7 ordinance under section 7(a) of this chapter; and

8 (2) before the hearing commences:

9 (A) on the remonstrance under section 11(c) of this chapter (**in
10 the case of an annexation for which an annexation
11 ordinance is adopted before April 1, 2024**); or

12 (B) on the petition under section 12 of this chapter (**in the
13 case of an annexation for which an annexation ordinance
14 is adopted after March 31, 2024**).

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

20 (d) This subsection applies if a municipality repeals the annexation
21 ordinance:

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

25 (2) before the hearing commences:

26 (A) on the remonstrance under section 11(c) of this chapter (**in
27 the case of an annexation for which an annexation
28 ordinance is adopted before April 1, 2024**); or

29 (B) on the petition under section 12 of this chapter (**in the
30 case of an annexation for which an annexation ordinance
31 is adopted after March 31, 2024**).

32 A municipality may not make further attempts to annex the territory or
33 any part of the territory during the twenty-four (24) months after the
34 date the municipality repeals the annexation ordinance. This subsection
35 does not prohibit an annexation of the territory or part of the territory
36 that is petitioned for under section 5 or 5.1 of this chapter.

37 (e) This subsection applies if a municipality repeals the annexation
38 ordinance:

39 (1) either:

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



- 1 (i) on the remonstrance under section 11(c) of this chapter
- 2 **(in the case of an annexation for which an annexation**
- 3 **ordinance is adopted before April 1, 2024); or**
- 4 **(ii) on the petition under section 12 of this chapter (in the**
- 5 **case of an annexation for which an annexation ordinance**
- 6 **is adopted after March 31, 2024); or**
- 7 (B) after the hearing commences:
- 8 (i) on the remonstrance as set forth in section 11(c) of this
- 9 chapter **(in the case of an annexation for which an**
- 10 **annexation ordinance is adopted before April 1, 2024);**
- 11 **or**
- 12 **(ii) on the petition under section 12 of this chapter (in the**
- 13 **case of an annexation for which an annexation ordinance**
- 14 **is adopted after March 31, 2024); and**
- 15 (2) before the date of the judgment of the circuit or superior court
- 16 as set forth in subsection (b).

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

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

SECTION 23. IC 36-4-3-15.3, AS AMENDED BY P.L.156-2020, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.3. (a) As used in this section, "prohibition against annexation" means that a municipality may not make further attempts to annex certain territory or any part of that territory.

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

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

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



1 bind the parties to matters relating to the provision by a municipality
 2 of planned services of a noncapital nature and services of a capital
 3 improvement nature (as described in section 13(d) of this chapter), in
 4 addition to a prohibition against annexation. The settlement agreement
 5 is binding upon the successors, heirs, and assigns of the parties to the
 6 agreement. However, the settlement agreement may be amended or
 7 revised periodically on further agreement between the annexing
 8 municipality and landowners who meet the qualifications of
 9 subdivision (1) or (2).

10 **(d) A settlement agreement executed after March 31, 2024, is**
 11 **void.**

12 SECTION 24. IC 36-4-3-16 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **(a) This**
 14 **section does not apply to an annexation under:**

- 15 **(1) section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter; or**
 16 **(2) section 5.1 of this chapter, for which an annexation**
 17 **ordinance is adopted after March 31, 2024.**

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

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

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

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

- 32 (1) That the municipality has without justification failed to
 33 implement the plan required by section 13 of this chapter within
 34 the specific time limit for implementation after annexation.
 35 (2) That the municipality has not provided police protection, fire
 36 protection, sanitary sewers, and water for human consumption
 37 within the specific time limit for implementation, unless one (1)
 38 of these services is being provided by a separate taxing district or
 39 by a privately owned public utility.
 40 (3) That the annexed territory is not receiving governmental and
 41 proprietary services substantially equivalent in standard and scope
 42 to the services provided by the municipality to other areas of the



1 municipality, regardless of topography, patterns of land use, and
 2 population density similar to the annexed territory.

3 ~~(e)~~ **(d)** The court may:

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

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

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

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

15 (5) grant any other appropriate relief.

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

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

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

23 SECTION 25. IC 36-4-3-22, AS AMENDED BY P.L.38-2021,
 24 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 22. (a) The clerk of the municipality shall file:

26 (1) each annexation ordinance:

27 **(A)** against which:

28 ~~(A)~~ **(i)** a remonstrance **(in the case of an annexation for**
 29 **which an annexation ordinance is adopted before April**
 30 **1, 2024);** or

31 **(ii)** an appeal;

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

34 **(B) against which** a remonstrance was filed without a
 35 sufficient number of signatures to meet the requirements of
 36 section 11.3(c) of this chapter, in the case of an annexation for
 37 which an annexation ordinance was adopted after June 30,
 38 2015, **and before April 1, 2024;** or

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

41 with the county auditor, circuit court clerk, and board of registration (if
 42 a board of registration exists) of each county in which the annexed



1 territory is located, the office of the secretary of state, and the office of
 2 census data established by IC 2-5-1.1-12.2. The clerk of the
 3 municipality shall record each annexation ordinance adopted under this
 4 chapter in the office of the county recorder of each county in which the
 5 annexed territory is located.

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

8 (1) the expiration of the period permitted for:

9 (A) a remonstrance **(in the case of an annexation for which**
 10 **an annexation ordinance is adopted before April 1, 2024);**

11 or

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

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

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

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

19 **(B) for which an annexation ordinance is adopted before**
 20 **April 1, 2024.**

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

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

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

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

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

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

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

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

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

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

39 (e) The county auditor may require the clerk of the municipality to
 40 furnish an adequate number of copies of the annexation ordinance or
 41 may charge the clerk a fee for photoreproduction of the ordinance. The
 42 county auditor shall notify the office of the secretary of state and the



1 office of census data established by IC 2-5-1.1-12.2 of the date that the
2 annexation ordinance is effective under this chapter.

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

7 SECTION 26. IC 36-4-7-7, AS AMENDED BY P.L.104-2022,
8 SECTION 162, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The fiscal officer shall
10 present the report of budget estimates to the city legislative body under
11 IC 6-1.1-17. After reviewing the report, the legislative body shall
12 prepare an ordinance fixing the rate of taxation for the ensuing budget
13 year and an ordinance making appropriations for the estimated
14 department budgets and other city purposes during the ensuing budget
15 year. The legislative body, in the appropriation ordinance, may reduce
16 any estimated item from the figure submitted in the report of the fiscal
17 officer, but it may increase an item only if the executive recommends
18 an increase. The legislative body shall promptly act on the
19 appropriation ordinance.

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

24 SECTION 27. IC 36-9-22-2, AS AMENDED BY P.L.156-2020,
25 SECTION 148, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The power of the
27 municipal works board to fix the terms of a contract under this section
28 applies to contracts for the installation of sewage works that have not
29 been finally approved or accepted for full maintenance and operation
30 by the municipality on July 1, 1979.

31 (b) The works board of a municipality may contract with owners of
32 real property for the construction of sewage works within the
33 municipality or within four (4) miles outside its corporate boundaries
34 in order to provide service for the area in which the real property of the
35 owners is located. The contract must provide, for a period of not to
36 exceed fifteen (15) years, for the payment to the owners and their
37 assigns by any owner of real property who:

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



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

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

16 (1) the parties to the contract; and

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

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

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

26 (1) the works board considers a waiver of subsection (c) to be in
 27 the best interests of the municipality; or

28 (2) the contract involves connection to the sewage works under
 29 IC 36-9-22.5.

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

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

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

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



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

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

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

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

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

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

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

23 (A) before January 1, 2020; and

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

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

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

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

39 **(I) Notwithstanding any other law, a remonstrance waiver is**
 40 **effective and binding on a landowner or a successor in title to a**
 41 **party to the contract only with regard to an annexation for which**
 42 **the annexation ordinance was adopted before April 1, 2024.**



1 SECTION 28. IC 36-9-25-14, AS AMENDED BY P.L.156-2020,
2 SECTION 149, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As to each municipality
4 to which this chapter applies:

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

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

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

16 (b) Upon request by:

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

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

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

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

37 (d) In addition, upon request by ten (10) or more interested resident
38 freeholders in a platted or unplatted territory, the board may define the
39 limits of an area within the county and including the property of the
40 freeholders that is to be considered for inclusion into the district.
41 Notice of the defining of the area by the board, and notice of the
42 location and limits of the area, shall be given by publication in



1 accordance with IC 5-3-1. Upon request by a majority of the resident
 2 freeholders of the area, the area may be incorporated into the district in
 3 the manner provided in this section. The resolution of the board
 4 incorporating the area into the district and a map of the area shall be
 5 made and filed in the same manner.

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

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

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

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



- 1 (3) not file a complaint or an action against annexation
2 proceedings.
- 3 (h) This subsection does not affect any rights or liabilities accrued
4 or proceedings begun before July 1, 2013. Those rights, liabilities, and
5 proceedings continue and shall be imposed and enforced under prior
6 law as if this subsection had not been enacted. For contracts executed
7 after June 30, 2013, a waiver of the right to remonstrate under
8 subsection (g) that is not void under subsection (m), (n), ~~or (o)~~, **or (p)**
9 is binding as to an executor, administrator, heir, devisee, grantee,
10 successor, or assign of a party to a sewer service agreement under
11 subsection (g) only if the executor, administrator, heir, devisee,
12 grantee, successor, or assign:
- 13 (1) has actual notice of the waiver; or
14 (2) has constructive notice of the waiver because the sewer
15 service agreement or a signed memorandum of the sewer service
16 agreement stating the waiver has been recorded in the chain of
17 title of the property.
- 18 (i) This section does not affect any sewer service agreements
19 entered into before March 13, 1953. However, this section applies to
20 a remonstrance waiver regardless of when the waiver was executed.
- 21 (j) Subsection (g) does not apply to a landowner if all of the
22 following conditions apply:
- 23 (1) The landowner is required to connect to a sewer service
24 because a person other than the landowner has polluted or
25 contaminated the area.
26 (2) The costs of extension of service or connection to the sewer
27 service are paid by a person other than the landowner or the
28 municipality.
- 29 (k) This subsection applies to any deed recorded after June 30,
30 2015. This subsection applies only to property that is subject to a
31 remonstrance waiver. A municipality shall provide written notice to
32 any successor in title to property within a reasonable time after the
33 deed is recorded, that a waiver of the right of remonstrance has been
34 granted with respect to the property.
- 35 (l) The board may waive the waiver provision described in
36 subsection (g) in a sewer service agreement made under subsection (e)
37 if the sewer service agreement involves a connection to the district's
38 sewage works under IC 36-9-22.5.
- 39 (m) A remonstrance waiver executed before July 1, 2003, is void.
40 This subsection does not invalidate an annexation that was effective on
41 or before July 1, 2019.
- 42 (n) A remonstrance waiver executed after June 30, 2003, and before



1 July 1, 2019, is subject to the following:
 2 (1) The waiver is void unless the waiver was recorded:
 3 (A) before January 1, 2020; and
 4 (B) with the county recorder of the county where the property
 5 subject to the waiver is located.
 6 (2) A waiver that is not void under subdivision (1) **or subsection**
 7 **(p)** expires not later than fifteen (15) years after the date the
 8 waiver is executed.
 9 This subsection does not invalidate an annexation that was effective on
 10 or before July 1, 2019.
 11 (o) A remonstrance waiver executed after June 30, 2019, is ~~subject~~
 12 ~~to the following: (1) The waiver is void unless the waiver is~~ **must be**
 13 ~~recorded (A) not later than thirty (30) business days after the date the~~
 14 ~~waiver was executed and (B) with the county recorder of the county~~
 15 ~~where the property subject to the waiver is located. (2) A waiver that~~
 16 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
 17 ~~years after the date the waiver is executed.~~ This subsection does not
 18 invalidate an annexation that was effective on or before July 1, 2019.
 19 **(p) Notwithstanding any other law, a remonstrance waiver is**
 20 **effective and binding on a landowner or a successor in title to a**
 21 **party to the contract only with regard to an annexation for which**
 22 **the annexation ordinance was adopted before April 1, 2024.**
 23 SECTION 29. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 159 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 4

