

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 299

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-4-3-7, AS AMENDED BY P.L.236-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), (d), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) ~~Subsections (d) and (e) apply to fire protection districts that are established after July 1, 1987, and to which subsection (g) does not apply.~~ For the purposes of this section, territory that has been:

- (1) added to an existing fire protection district under IC 36-8-11-11; or
- (2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11,

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notwithstanding that the territory's addition to the fire protection district has not yet taken effect; shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

(d) This subsection applies only to a fire protection district established after July 1, 1987. This subsection does not apply to an annexation under subsection (g). Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. ~~Except in the case of an annexation to which subsection (g) applies;~~ The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) This subsection applies only to a fire protection district established after July 1, 1987. This subsection does not apply to an annexation under subsection (g). If the fire protection district from which a municipality annexes territory ~~under subsection (d)~~ is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

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

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

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

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

SECTION 2. IC 36-4-3-7.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]: **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), and 7(e) of this chapter apply to an annexation under this section.

(c) Section 7(a), 7(d), 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.

SECTION 3. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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