



Sub. S.B. 5*

124th General Assembly

(As Reported by H. Local Government and Townships)

Sens. Wachtmann, Harris, Robert Gardner, Carnes, Blessing

BILL SUMMARY

- Revises existing or enacts new standards for the approval of municipal annexations, procedures applicable to municipal annexations, and statutory schedules of payments to be made to townships for the loss of tax revenues as a result of municipal annexations; establishes shorter special annexation procedures that will be available under limited conditions; and makes other changes in the Municipal Annexation Law, including, but not limited to, those summarized below.
- Provides for three special annexation procedures when all property owners sign an annexation petition.
- Requires an annexing municipal corporation to adopt a statement specifying which services will be provided to the territory it annexes and the approximate date by which those services will be provided.
- Permits a board of township trustees to appropriate funds for any expense it considers necessary related to any potential or pending annexation.
- Permits participation of a board of township trustees in annexation proceedings.
- Permits a board of township trustees, the agent for the petitioners, an owner of real estate in the territory proposed for annexation, and the legislative authority of the municipal corporation to which annexation is proposed or their representatives to present evidence, examine witnesses,

* *This analysis was prepared before the report of the House Local Government and Townships Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

and/or comment on all evidence, including affidavits presented to a board of county commissioners, at an annexation hearing.

- Authorizes a board of county commissioners to charge fees and to issue subpoenas in regard to annexation proceedings.
- Requires a board of county commissioners to issue findings as to whether specified conditions have or have not been met with respect to a proposed annexation.
- Permits a board of county commissioners to use its discretion in making its findings as long as they are based upon "a preponderance of the substantial, reliable, and probative evidence on the whole record" of an annexation hearing.
- Establishes special shortened annexation procedures to be followed when a municipal corporation petitions to annex certain government-owned land.
- Changes the process for appealing the decision of a board of county commissioners granting or denying an annexation petition.
- Provides for annexation agreements between townships and municipal corporations, and specifies matters that those agreements may include.
- Changes payments for the loss of tax revenue made by a municipal corporation to a township from which territory is annexed following annexation, and provides that those payments must be made only if the municipal corporation excludes the annexed territory from the township.
- Enacts special provisions for the division of inside millage between an annexing municipal corporation and a township whose territory is annexed during the time when the annexed territory is not excluded from the township.
- Makes other changes to the Municipal Annexation Law.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	p. 90
Reported, S. State & Local Gov't & Veterans Affairs	02-22-01	p. 152
Passed Senate (26-7)	02-27-01	pp. 163-164
Reported, H. Local Government and Townships	---	---

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