

# HOUSE BILL No. 1167

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-3-2-3.

**Synopsis:** Merger of fire services in Marion County. Eliminates the requirement that a percentage of landowners petition the metropolitan development commission before the city-county legislative body adopts an ordinance expanding a fire district in Marion County.

**Effective:** July 1, 2000.

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## Summers, Crawford

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January 10, 2000, read first time and referred to Committee on Local Government.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# HOUSE BILL No. 1167



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

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

- 1 SECTION 1. IC 36-3-2-3 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A special service district of
- 3 the consolidated city:
- 4 (1) may sue and be sued;
- 5 (2) may exercise powers of the consolidated city to the extent that
- 6 those powers are delegated to it by law, but may not issue bonds;
- 7 and
- 8 (3) shall provide services to property owners only in the district,
- 9 unless a law provides otherwise.
- 10 (b) A special service district or special taxing district shall be
- 11 administered under the jurisdiction of a department of the consolidated
- 12 city. The territory of a special service district or special taxing district
- 13 may be expanded, in the manner prescribed by law, to include territory
- 14 inside the county that is not originally included in the district. The
- 15 city-county legislative body may, by ordinance, expand the territory of
- 16 a special service district, subject to the following conditions:
- 17 (1) In the case of the fire district, ~~the ordinance may not be~~



1 considered unless a petition to include additional territory in the  
 2 district is first submitted to the metropolitan development  
 3 commission for study and recommendation. The petition must be  
 4 signed by a majority of the landowners, or by owners of land  
 5 amounting to seventy-five percent (75%) in assessed valuation, in  
 6 the proposed additional territory. After receiving the petition, the  
 7 metropolitan development commission shall make findings of fact  
 8 and recommendations and serve copies of these on the fire chief,  
 9 the executive of each township affected, and the petitioners at  
 10 least thirty (30) days before a public hearing before the legislative  
 11 body. After the public hearing, the legislative body **must hold a**  
 12 **public hearing and then** may pass the ordinance only if it  
 13 determines:

14 (A) that reasonable and adequate fire protection service can be  
 15 provided within the additional territory by the consolidated  
 16 city; and

17 (B) that expansion of the district is in the public interest.

18 (2) In the case of the police district, the legislative body must hold  
 19 a public hearing and then may pass the ordinance only if it  
 20 determines:

21 (A) that reasonable and adequate police protection can be  
 22 provided within the additional territory by the consolidated  
 23 city; and

24 (B) that expansion of the district is in the public interest.

25 (3) In the case of the solid waste collection district, the ordinance  
 26 may not be considered unless a petition to include additional  
 27 territory in the district is first submitted to the works board for  
 28 study and recommendation. The petition must be signed by at  
 29 least ten (10) interested residents in the proposed additional  
 30 territory. After receiving the petition, the works board shall set a  
 31 date for a public hearing, publish notice of the hearing in  
 32 accordance with IC 5-3-1, and upon hearing the matter determine  
 33 whether the territory should be added to the district. If the works  
 34 board recommends that the territory should be added to the  
 35 district, the legislative body must hold a public hearing and then  
 36 may pass the ordinance. Territory in the solid waste collection  
 37 district may also be removed from the district in the manner  
 38 prescribed by this subdivision.

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