



February 22, 2002

**ENGROSSED  
SENATE BILL No. 193**

DIGEST OF SB 193 (Updated February 20, 2002 2:42 PM - DI 47)

**Citations Affected:** IC 36-4.

**Synopsis:** Annexation of agricultural land. Allows municipalities statewide to exempt agricultural land from municipal property tax liability when the land is annexed and until the land is rezoned. Requires territory annexed by Avon, Plainfield, Danville, and Brownsburg to be contained within one township. Updates population parameters to reflect changes in the 2000 decennial census.

**Effective:** July 1, 2002.

**Gard, Miller**

(HOUSE SPONSORS — GRUBB, CHERRY, MURPHY)

January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 17, 2002, amended, reported favorably — Do Pass.

January 22, 2002, read second time, ordered engrossed.

January 23, 2002, engrossed.

January 24, 2002, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 21, 2002, amended, reported — Do Pass.

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February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## ENGROSSED SENATE BILL No. 193

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

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

1 SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2002]: Sec. 4.1. (a) This section applies to the following:  
4 (1) A municipality having a population of:  
5 (A) more than ten thousand (10,000) but less than fifteen  
6 thousand (15,000); or  
7 (B) more than four thousand (4,000) but less than four  
8 thousand two hundred fifty (4,250);  
9 located in a county having a population of more than seventy-five  
10 thousand (75,000) but less than seventy-eight thousand (78,000)  
11 (2) A municipality having a population of more than thirty-three  
12 thousand (33,000) but less than thirty-three thousand eight  
13 hundred fifty (33,850) located in a county having a population of  
14 more than one hundred seven thousand (107,000) but less than  
15 one hundred eight thousand (108,000):  
16 (3) A municipality that is located in a county having a population  
17 of more than four hundred thousand (400,000) but less than seven

ES 193—LS 6439/DI 87+



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1 hundred thousand (700,000).

2 (4) A town having a population of more than five thousand  
3 (5,000) but less than six thousand (6,000) located in a county  
4 having a population of more than one hundred eight thousand  
5 (108,000) but less than one hundred eight thousand nine hundred  
6 fifty (108,950).

7 ~~(b)~~ (a) Except as provided in subsection ~~(c)~~, (b), the legislative body  
8 of a municipality to which this section applies may, by ordinance,  
9 annex territory that:

10 (1) is contiguous to the municipality; **and**

11 (2) in the case of a municipality described in subsection (a)(1);  
12 has its entire area within the township within which the  
13 municipality is primarily located; and

14 ~~(3)~~ (2) is owned by a property owner who consents to the  
15 annexation.

16 **(b) This subsection applies to a municipality having a population  
17 of more than:**

18 (1) fifteen thousand (15,000);

19 (2) five thousand (5,000) but less than six thousand three  
20 hundred (6,300);

21 (3) ten thousand (10,000) but less than fifteen thousand  
22 (15,000); or

23 (4) six thousand three hundred (6,300) but less than ten  
24 thousand (10,000);

25 located in a county having a population of more than one hundred  
26 thousand (100,000) but less than one hundred five thousand  
27 (105,000). In addition to fulfilling the requirements set forth in  
28 subsection (a), the territory that the municipality proposes to  
29 annex must have its entire area within the township within which  
30 the municipality is primarily located.

31 ~~(c)~~ Subsection ~~(b)~~(2) does not apply to a municipality having a  
32 population of:

33 (1) more than six thousand (6,000) but less than six thousand five  
34 hundred (6,500) or

35 (2) more than eight thousand seven hundred (8,700) but less than  
36 eight thousand nine hundred (8,900) in a county having a  
37 population of more than four hundred thousand (400,000) but less  
38 than seven hundred thousand (700,000).

39 ~~(d)~~ (c) Territory annexed under this section is exempt from all  
40 property tax liability under IC 6-1.1 for municipal purposes for all  
41 portions of the annexed territory that is classified for zoning purposes  
42 as agriculture and remains exempt from the property tax liability while

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- 1 the property's zoning classification remains agriculture.
- 2 ~~(c)~~ (d) There may not be a change in the zoning classification of
- 3 territory annexed under this section without the consent of the owner
- 4 of the annexed territory.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 19 and 20, begin a new line block indented and insert:

**"(6) A town having a population of more than five thousand (5,000) but less than ten thousand (10,000), the majority of which is located in a county containing a consolidated city."**

and when so amended that said bill do pass.

(Reference is to SB 193 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, line 3, strike "(a) This section applies to the following:".
- Page 1, strike line 4.
- Page 1, line 5, strike "(A) more than".
- Page 1, line 5, strike "fifteen".
- Page 1, strike line 6.
- Page 1, line 7, strike "(B) more than".
- Page 1, line 8, delete "five thousand (5,000) but".
- Page 1, delete line 9.
- Page 1, line 10, strike "located in a county having a population of more than".
- Page 1, delete lines 12 through 13.
- Page 1, line 14, strike "(2) A municipality having a population of more than".
- Page 1, line 16, delete "thirty-two thousand eight hundred".
- Page 1, line 17, delete "(32,800) but less than thirty-three thousand (33,000)".
- Page 1, line 17, strike "located in".
- Page 2, line 1, strike "a county having a population or more than".
- Page 2, line 3, delete "one hundred ten thousand (110,000) but less than".
- Page 2, delete line 4.
- Page 2, strike lines 5 through 7.
- Page 2, line 8, strike "(4) A town having a population of more than".
- Page 2, line 9, delete "nine thousand (9,000)".
- Page 2, line 10, delete "but less than thirty thousand (30,000)".
- Page 2, line 10, strike "located in a county".
- Page 2, line 11, strike "having a population of more than".
- Page 2, line 13, delete "one hundred eighty thousand (180,000) but less".
- Page 2, delete lines 14 through 22.
- Page 2, line 23, strike "(b)" and insert "(a)".
- Page 2, line 23, strike "(c)," and insert "(b),".
- Page 2, line 26, after "municipality;" insert "**and**".
- Page 2, strike lines 27 through 29.
- Page 2, line 30, strike "(3)" and insert "(2)".
- Page 2, between lines 30 and 31, begin a new paragraph and insert:

ES 193—LS 6439/DI 87+



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**"(b) This subsection applies to a municipality having a population of more than:**

- (1) fifteen thousand (15,000);**
- (2) five thousand (5,000) but less than six thousand three hundred (6,300);**
- (3) ten thousand (10,000) but less than fifteen thousand (15,000); or**
- (4) six thousand three hundred (6,300) but less than ten thousand (10,000);**

**located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000). In addition to fulfilling the requirements set forth in subsection (a), the territory that the municipality proposes to annex must have its entire area within the township within which the municipality is primarily located."**

Page 2, strike lines 31 through 32.

Page 2, line 33, strike "(1) more than".

Page 2, line 34, delete "five thousand (5,000) but less than eight".

Page 2, line 35, delete "thousand (8,000);".

Page 2, line 35, strike "or".

Page 2, line 36, strike "(2) more than".

Page 2, line 37, delete "nine thousand (9,000) but".

Page 2, line 38, delete "less than twelve thousand five hundred (12,500)".

Page 2, line 38, strike "in a county".

Page 2, strike lines 39 through 40.

Page 2, line 41, strike "(d)" and insert "(c)".

Page 3, line 4, strike "(e)" and insert "(d)".

and when so amended that said bill do pass.

(Reference is to SB 193 as printed January 18, 2002.)

LYTLE, Chair

Committee Vote: yeas 11, nays 3.

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