



February 8, 2013

# SENATE BILL No. 284

DIGEST OF SB 284 (Updated February 6, 2013 2:56 pm - DI 87)

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

**Synopsis:** Annexation by town outside city boundaries. Removes a requirement that a town obtain the consent of a second or third class city before annexing within three miles of the city. Prohibits a town from annexing within one mile of the corporate boundaries of a second or third class city unless: (1) the town is located in a different county than the city; or (2) the annexation is obtained by consent of the landowners. Allows a town to annex within an area that extends: (1) more than one mile outside the boundaries of a second or third class city; and (2) less than three miles; if any annexation by the town does not extend more than one mile outside the corporate boundaries of the town.

**Effective:** July 1, 2013.

**Buck**

January 8, 2013, read first time and referred to Committee on Local Government.  
February 7, 2013, reported favorably — Do Pass.

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SB 284—LS 6753/DI 87+



February 8, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 284

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 36-4-3-9, AS AMENDED BY P.L.111-2005,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 9. (a) A town must obtain the consent of both the  
4 metropolitan development commission and the legislative body of a  
5 county having a consolidated city before annexing territory within the  
6 county where a consolidated city is located.  
7 (b) **A town may not annex within an area that extends one (1)**  
8 **mile outside the corporate boundaries of a second or third class**  
9 **city. A town may annex within the area that extends:**  
10 (1) **more than one (1) mile; and**  
11 (2) **not more than three (3) miles;**  
12 **outside the corporate boundaries of a second or third class city, if**  
13 **any annexation by the town does not include territory that extends**  
14 **more than one (1) mile outside the corporate boundaries of the**  
15 **town.**  
16 (b) (c) **Subsection (b) does not apply to: A town must obtain the**  
17 **consent of the legislative body of a second or third class city before**

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1 annexing territory within three (3) miles of the corporate boundaries of  
 2 the city unless:  
 3 (1) ~~the a~~ a town that proposes to annex the territory is located in a  
 4 different county than the city; or  
 5 (2) ~~the an~~ an annexation by ~~the a~~ a town **that** is:  
 6 (A) an annexation under section 5 or 5.1 of this chapter; or  
 7 (B) consented to by at least fifty-one percent (51%) of the  
 8 owners of land in the territory the town proposes to annex.  
 9 ~~(c)~~ **(d)** In determining the total number of landowners of the  
 10 annexed territory and whether signers of a consent under subsection  
 11 ~~(b)(2)(B)~~ **(c)(2)(B)** are landowners, the names appearing on the tax  
 12 duplicate for that territory constitute prima facie evidence of  
 13 ownership. Only one (1) person having an interest in each single  
 14 property, as evidenced by the tax duplicate, is considered a landowner  
 15 for purposes of this section.  
 16 ~~(d)~~ **(e)** Each municipality that is known as an included town under  
 17 IC 36-3-1-7 is also considered a town for purposes of this section.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 284, 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 made to Senate Bill 284 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 1.

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