



April 8, 2003

**ENGROSSED
SENATE BILL No. 289**

DIGEST OF SB 289 (Updated April 7, 2003 5:24 PM - DI 110)

Citations Affected: IC 36-4.

Synopsis: Petitions to convert a town to a city. Increases the number of registered voters of a town that are required to sign a petition to put the question of whether a town may become a city on the ballot as a local public question.

Effective: July 1, 2003.

Gard, Lawson C

(HOUSE SPONSORS — CHERRY, CROOKS, GOODIN, SAUNDERS)

January 15, 2003, read first time and referred to Committee on Elections and Civic Affairs.
February 3, 2003, reported favorably — Do Pass.
February 6, 2003, read second time, ordered engrossed. Engrossed.
February 10, 2003, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Local Government.
April 8, 2003, reported — Do Pass.

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ES 289—LS 7509/DI 87+



April 8, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 289

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 36-4-1-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 4. If a town has a population of
3 more than two thousand (2,000), it may change into a city in the
4 following manner:
5 (1) The town legislative body may adopt a resolution submitting
6 to the town's voters the question of whether the town should
7 change into a city. The legislative body shall adopt such a
8 resolution if at least the number of the registered voters of the
9 town required under ~~IC 3-8-6-3~~ to ~~place a candidate on the ballot~~
10 **section 4.1 of this chapter** petition it to do so. The legislative
11 body shall file a copy of the resolution with the clerk of the circuit
12 court for each county in which the town is located. The circuit
13 court clerk shall immediately certify the resolution to the county
14 election board.
15 (2) The resolution must fix a date for an election on the question.
16 If the election is to be a special election, the date must be not less
17 than thirty (30) nor more than sixty (60) days after the notice of

ES 289—LS 7509/DI 87+



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the election. If the election is to be on the same date as a general election, the resolution must state that fact and be certified in accordance with IC 3-10-9-3.

(3) Notice of the election must be given by the clerk of the circuit court in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(4) The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ change into a city?".

(5) If a majority of those voting on the question vote "yes", the town changes into a city when its officers are elected and qualified; otherwise the town remains a town.

SECTION 2. IC 36-4-1-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 4.1. (a) A petition for a resolution under section 4 of this chapter must be signed by the number of registered voters of the town equal to at least ten percent (10%) of the total vote cast at the last election for secretary of state.**

(b) In determining the number of signatures required under this section, any fraction that exceeds a whole number must be disregarded.

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SENATE MOTION

Mr. President: I move that Senator Lawson C be added as second author of Senate Bill 289.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 289, 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 289 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MOSES, Chair

Committee Vote: yeas 13, nays 0.

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