

February 16, 1998

ENGROSSED SENATE BILL No. 373

DIGEST OF SB 373 (Updated February 16, 1998 9:37 am - DI 94)

Citations Affected: IC 32-1; IC 36-1.

Synopsis: Alienation of real property. Provides that real property owned by a local government may not be acquired by adverse possession. Provides that the general procedure for disposal of real property by a political subdivision does not apply to disposal of residential real property acquired under the federal Airport Noise Compatibility Planning Program.

Effective: July 1, 1998.

Zakas

(HOUSE SPONSOR — SUMMERS)

January 12, 1998, read first time and referred to Committee on Roads and Transportation.
January 22, 1998, reported favorably — Do Pass.
January 27, 1998, read second time, ordered engrossed.
January 28, 1998, engrossed.
January 29, 1998, read third time, passed. Yeas 48, nays 1.
HOUSE ACTION
February 4, 1998, read first time and referred to Committee on Economic Growth and Regulatory Affairs.
February 16, 1998, amended, reported — Do Pass.

ES 373—LS 7236/DI 96+



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February 16, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 373

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

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

- 1 SECTION 1. IC 32-1-20-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Title to real
3 property owned by the state **or a local government** may not be
4 alienated by adverse possession.
- 5 SECTION 2. IC 36-1-11-1, AS AMENDED BY P.L.49-1997,
6 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]: Sec. 1. (a) Except as provided in subsection (b), this
8 chapter applies to the disposal of property by:
9 (1) political subdivisions; and
10 (2) their agencies.
- 11 (b) This chapter does not apply to the following:
12 (1) The disposal of property under an urban homesteading
13 program under IC 36-7-17.
14 (2) The lease of school buildings under IC 21-5.
15 (3) The sale of land to a lessor in a lease-purchase contract under
16 IC 36-1-10.

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- 1 (4) The disposal of property by a redevelopment commission
2 established under IC 36-7.
- 3 (5) The leasing of property by a board of aviation commissioners
4 established under IC 8-22-2 or an airport authority established
5 under IC 8-22-3.
- 6 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 7 (7) The sale or lease of property by a unit to an Indiana nonprofit
8 corporation organized for educational, literary, scientific,
9 religious, or charitable purposes that is exempt from federal
10 income taxation under Section 501 of the Internal Revenue Code
11 or the sale or reletting of that property by the nonprofit
12 corporation.
- 13 (8) The disposal of property by a hospital organized or operating
14 under IC 16-22-1 through IC 16-22-5, IC 16-23-1, or IC 16-24-1.
- 15 (9) The sale or lease of property acquired under IC 36-7-13 for
16 industrial development.
- 17 (10) The sale, lease, or disposal of property by a local hospital
18 authority under IC 5-1-4.
- 19 (11) The sale or other disposition of property by a county or
20 municipality to finance housing under IC 5-20-2.
- 21 (12) The disposition of property by a soil and water conservation
22 district under IC 14-32.
- 23 (13) The sale of surplus or unneeded property by the board of
24 trustees of the health and hospital corporation under IC 16-22-8.
- 25 (14) The disposal of personal property by a library board under
26 IC 20-14-3-4(c).
- 27 (15) The sale or disposal of property by the historic preservation
28 commission under IC 36-7-11.1.
- 29 (16) The disposal of an interest in property by a housing authority
30 under IC 36-7-18.
- 31 (17) The disposal of property under IC 36-9-37-26.
- 32 (18) The disposal of property used for park purposes under
33 IC 36-10-7-8.
- 34 (19) The disposal of textbooks that will no longer be used by
35 school corporations under IC 20-10.1-10.
- 36 (20) The disposal of residential structures or improvements by a
37 municipal corporation without consideration to:
- 38 (A) a governmental entity; or
- 39 (B) a nonprofit corporation that is organized to expand the
40 supply or sustain the existing supply of good quality,
41 affordable housing for residents of Indiana having low or
42 moderate incomes.



- 1 (21) The disposal of historic property without consideration to a
- 2 nonprofit corporation whose charter or articles of incorporation
- 3 allows the corporation to take action for the preservation of
- 4 historic property. As used in this subdivision, "historic property"
- 5 means property that is:
- 6 (A) listed on the National Register of Historic Places; or
- 7 (B) eligible for listing on the National Register of Historic
- 8 Places, as determined by the division of historic preservation
- 9 and archeology of the department of natural resources.
- 10 (22) The disposal of real property without consideration to:
- 11 (A) a governmental agency; or
- 12 (B) a nonprofit corporation that exists for the primary purpose
- 13 of enhancing the environment;
- 14 when the property is to be used for compliance with a permit or
- 15 an order issued by a federal or state regulatory agency to mitigate
- 16 an adverse environmental impact.
- 17 (23) The disposal of property to a person under an agreement
- 18 between the person and a political subdivision or an agency of a
- 19 political subdivision under IC 5-23.
- 20 **(24) The disposal of residential real property under a federal**
- 21 **aviation regulation (14 CFR 150) Airport Noise Compatibility**
- 22 **Planning Program approved by the Federal Aviation**
- 23 **Administration.**
- 24 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Roads and Transportation, to which was referred Senate Bill 373, 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 373 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Economic Growth, to which was referred Senate Bill 373, 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:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-1-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Title to real property owned by the state **or a local government** may not be alienated by adverse possession."

Page 3, after line 18, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 373 as printed January 23, 1998.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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