

# HOUSE BILL No. 1146

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-11-1.

**Synopsis:** Disposal of residential property near airport. 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.

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## Summers

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January 8, 1998, read first time and referred to Committee on Economic Growth and Regulatory Relief.

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Introduced

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.

## HOUSE BILL No. 1146

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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 36-1-11-1, AS AMENDED BY P.L.49-1997,  
2 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 1. (a) Except as provided in subsection (b), this  
4 chapter applies to the disposal of property by:  
5 (1) political subdivisions; and  
6 (2) their agencies.  
7 (b) This chapter does not apply to the following:  
8 (1) The disposal of property under an urban homesteading  
9 program under IC 36-7-17.  
10 (2) The lease of school buildings under IC 21-5.  
11 (3) The sale of land to a lessor in a lease-purchase contract under  
12 IC 36-1-10.  
13 (4) The disposal of property by a redevelopment commission  
14 established under IC 36-7.  
15 (5) The leasing of property by a board of aviation commissioners  
16 established under IC 8-22-2 or an airport authority established  
17 under IC 8-22-3.

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

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

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