



February 23, 1999

HOUSE BILL No. 1113

DIGEST OF HB 1113 (Updated February 17, 1999 7:31 pm - DI 02)

Citations Affected: IC 8-23; IC 32-11.

Synopsis: Agricultural land valuation in eminent domain proceedings. Provides that the amount of the offer to purchase prior to condemnation and the amount of compensation, damages, or benefits to be awarded or assessed in the condemnation of certain agricultural property is 125% of the fair market value of the property. Makes conforming amendments to Indiana Code provisions governing eminent domain procedures.

Effective: January 1, 1999 (retroactive).

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January 6, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 22, 1999, amended, reported — Do Pass.

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February 23, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1113

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

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

- 1 SECTION 1. IC 8-23-7-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. Except
3 as otherwise provided in this chapter, IC 32-11-1 ~~applies and~~
4 **IC 32-11-7 apply** to real property transactions conducted by the
5 department.
6 SECTION 2. IC 32-11-7 IS ADDED TO THE INDIANA CODE AS
7 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 1999 (RETROACTIVE)]:
9 **Chapter 7. Condemnation of Agricultural Property**
10 **Sec. 1. This chapter applies to all:**
11 (1) **offers made to purchase property before the filing of a**
12 **complaint to condemn or appropriate property; and**
13 (2) **proceedings to condemn or appropriate property for**
14 **public use brought by:**
15 (A) **the state of Indiana;**
16 (B) **any commission, department, or agency of the state; or**
17 (C) **any county, township, city, town, or taxing district;**

HB 1113—LS 6529/DI 101+



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under any law of the state authorizing the proceedings.
Sec. 2. As used in this chapter, "fair market value" means the most probable price expressed in terms of money that real property would bring if the property were exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer.

Sec. 3. Notwithstanding any other law, the amount of the offer to purchase and the amount of compensation, damages, or benefits that may be awarded or assessed must be one hundred twenty-five percent (125%) of the fair market value of the property if the following requirements are met:

- (1) The owner of the property has held fee simple title to the property for at least two (2) years immediately before the day that the offer was made to purchase the property.
- (2) The owner of the property transfers one (1) of the following interests in the property:
 - (A) Fee simple title.
 - (B) An easement other than a public utility easement.
 - (C) A right-of-way other than a public utility right-of-way.
- (3) If the property is subject to a zoning ordinance, the property is zoned for agriculture.
- (4) If the property is not subject to a zoning ordinance, the property:
 - (A) was used for agriculture on the day that the offer was made to purchase the property; and
 - (B) was continuously used for agriculture for two (2) years immediately before the day that the offer was made to purchase the property.
- (5) The property is not located within an incorporated municipality.

SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1113, 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 everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1113 as introduced.)

LYTLE, Chair

Committee Vote: yeas 12, nays 1.

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