

Adopted Rejected

COMMITTEE REPORT

YES: 12
NO: 1

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:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-23-7-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]; Sec. 1. Except
- 4 as otherwise provided in this chapter, IC 32-11-1 **applies and**
- 5 **IC 32-11-7 apply** to real property transactions conducted by the
- 6 department.
- 7 SECTION 2. IC 32-11-7 IS ADDED TO THE INDIANA CODE AS
- 8 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
- 9 JANUARY 1, 1999 (RETROACTIVE)];
- 10 **Chapter 7. Condemnation of Agricultural Property**
- 11 **Sec. 1. This chapter applies to all:**
- 12 **(1) offers made to purchase property before the filing of a**
- 13 **complaint to condemn or appropriate property; and**

1 **(2) proceedings to condemn or appropriate property for**
 2 **public use brought by:**

- 3 **(A) the state of Indiana;**
 4 **(B) any commission, department, or agency of the state; or**
 5 **(C) any county, township, city, town, or taxing district;**
 6 **under any law of the state authorizing the proceedings.**

7 **Sec. 2. As used in this chapter, "fair market value" means the**
 8 **most probable price expressed in terms of money that real**
 9 **property would bring if the property were exposed for sale in the**
 10 **open market in an arm's length transaction between a willing seller**
 11 **and a willing buyer.**

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

17 **(1) The owner of the property has held fee simple title to the**
 18 **property for at least two (2) years immediately before the day**
 19 **that the offer was made to purchase the property.**

20 **(2) The owner of the property transfers one (1) of the**
 21 **following interests in the property:**

- 22 **(A) Fee simple title.**
 23 **(B) An easement other than a public utility easement.**
 24 **(C) A right-of-way other than a public utility right-of-way.**

25 **(3) If the property is subject to a zoning ordinance, the**
 26 **property is zoned for agriculture.**

27 **(4) If the property is not subject to a zoning ordinance, the**
 28 **property:**

29 **(A) was used for agriculture on the day that the offer was**
 30 **made to purchase the property; and**

31 **(B) was continuously used for agriculture for two (2) years**
 32 **immediately before the day that the offer was made to**
 33 **purchase the property.**

1 **(5) The property is not located within an incorporated**
2 **municipality.**

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

(Reference is to HB 1113 as introduced.)

and when so amended that said bill do pass.

Representative Lytle