

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1010 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 22-13-2-1.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. A state agency or political**
- 6 **subdivision may not require that a lawfully erected sign be**
- 7 **removed or altered as a condition of issuing:**
- 8 **(1) a permit;**
- 9 **(2) a license;**
- 10 **(3) a variance; or**
- 11 **(4) any other order concerning land use or development;**
- 12 **unless the owner of the sign is compensated in accordance with**
- 13 **IC 32-24."**
- 14 Page 1, delete lines 13 through 14.
- 15 Page 1, line 15, delete "(2)" and insert "(1)".
- 16 Page 1, after line 15, begin a new line block indented and insert:
- 17 **"(2) Providing the owner of the property with an appraisal or**
- 18 **other evidence used to establish the proposed purchase price.**
- 19 **(3) Conducting good faith negotiations with the owner of the**
- 20 **property."**
- 21 Page 2, delete lines 1 through 2.
- 22 Page 3, line 40, delete "." and insert "**and _____ (condemnor)**
- 23 **is not required to agree to your demands."**
- 24 Page 6, line 12, delete "section" and insert "sections".
- 25 Page 6, line 12, after "5.8" insert "**and 5.9**".

1 Page 6, line 28, after "domain" insert **"for the same project or a**
2 **substantially similar project"**.

3 Page 7, line 16, after "domain" insert **"for the same or a**
4 **substantially similar project"**.

5 Page 7, line 16, delete "six (6)" and insert **"three (3)"**.

6 Page 7, between lines 17 and 18, begin a new paragraph and insert:

7 "SECTION 6. IC 32-24-1-5.9 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: **Sec. 5.9. (a) As used in this**
10 **section, "public utility" means a public utility, municipally owned**
11 **utility, cooperatively owned utility, or joint agency created under**
12 **IC 8-1-2.2.**

13 **(b) This section applies only to a public utility.**

14 **(c) If:**

15 **(1) a public utility submits a written acquisition offer to the**
16 **owner of a parcel of real estate under section 5 of this chapter;**
17 **and**

18 **(2) the owner rejects the offer;**

19 **the public utility, to acquire the parcel by the exercise of eminent**
20 **domain, must file a complaint under this article, not more than six**
21 **(6) years after the date on which the public utility submitted the**
22 **written acquisition offer to the owner.**

23 **(d) If a public utility fails to meet the requirements set forth in**
24 **subsection (c) concerning a parcel of real estate, the public utility**
25 **may not initiate an action under this article to acquire the parcel**
26 **through the power of eminent domain for the same project or a**
27 **substantially similar project for at least three (3) years after the**
28 **date on which the six (6) year period described in subsection (c)**
29 **expires."**

30 Page 10, line 15, delete ";" and insert ",".

31 Page 10, reset in roman lines 16 through 17.

32 Page 10, delete lines 33 through 42, begin a new paragraph and
33 insert:

34 **"Sec. 1. (a) As used in this section, "public use" means the:**

35 **(1) possession, occupation, and enjoyment of a parcel of real**
36 **property by the general public or a public agency;**

37 **(2) use of a parcel of real property to create or operate a**
38 **public utility, including an energy utility (as defined in**
39 **IC 8-1-2.5-2); or**

40 **(3) acquisition of a parcel of real property to cure a specific**
41 **and identifiable harmful effect caused by the use of the parcel,**
42 **including the:**

43 **(A) removal of a:**

44 **(i) public nuisance; or**

45 **(ii) structure that is beyond repair or unfit for human**
46 **habitation or use; and**

- 1 **(B) acquisition of abandoned property.**
 2 **The term does not include the public benefit of economic**
 3 **development, including an increase in a tax base, tax revenues,**
 4 **employment, or general economic health.**
 5 **(b) This chapter applies to a condemnor that exercises the power**
 6 **of eminent domain to acquire a parcel of real property:**
 7 **(1) from a private person;**
 8 **(2) with the intent of ultimately transferring ownership or**
 9 **control to another private person; and**
 10 **(3) for a use that is not a public use."**
 11 Page 11, delete lines 1 through 4.
 12 Page 11, line 17, delete "is unfit for human" and insert ":".
 13 Page 11, delete line 18.
 14 Page 12, line 1, delete "and" and insert ", **garbage, or other**".
 15 Page 12, line 4, after "exceed the" insert "**assessed**".
 16 Page 12, between lines 12 and 13, begin a new line double block
 17 indented and insert:
 18 **"(J) There is a reasonable doubt concerning who owns the**
 19 **parcel."**
 20 Page 12, between lines 24 and 25, begin a new line blocked left and
 21 insert:
 22 **"A determination concerning whether a condition described in this**
 23 **section has been met is subject to judicial review in an eminent**
 24 **domain proceeding concerning the parcel of real property."**
 25 Page 12, line 34, after "(ii)" insert "**upon the request of the owner**
 26 **and if the owner and condemnor both agree,"**.
 27 Page 13, line 18, after "(\$1,000)." insert "**However, the total**
 28 **amount of attorney's fees that a condemnor may be required to**
 29 **reimburse an owner under this section may not exceed two**
 30 **hundred fifty thousand dollars (\$250,000)."**
 31 Page 13, between lines 18 and 19, begin a new paragraph and insert:
 32 **"SECTION 12. IC 36-7-2-5.5 IS ADDED TO THE INDIANA**
 33 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 34 **[EFFECTIVE JULY 1, 2006]: Sec. 5.5. A unit may not require that**
 35 **a lawfully erected sign be removed or altered as a condition of**
 36 **issuing:**
 37 **(1) a permit;**
 38 **(2) a license;**
 39 **(3) a variance; or**
 40 **(4) any other order concerning land use or development;**
 41 **unless the owner of the sign is compensated in accordance with**
 42 **IC 32-24."**
 43 Page 16, line 14, delete "filed on or after November 23, 2005." and
 44 insert "**that have not reached a final judgment before the effective**
 45 **date of this SECTION."**
 46 Renumber all SECTIONS consecutively.

(Reference is to HB 1010 as printed January 11, 2006.)

Representative Wolkins