

# HOUSE BILL No. 1373

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-2-6.

**Synopsis:** Public access to INDOT land acquisition records. Makes appraisal and relocation documents prepared by the land acquisition division of the department of transportation public records after negotiations are terminated or property is acquired. Provides a procedure for keeping trade secrets and private financial information confidential.

**Effective:** July 1, 2014.

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January 21, 2014, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1373



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

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

1 SECTION 1. IC 8-23-2-6, AS AMENDED BY P.L.135-2013,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 6. (a) The department, through the commissioner  
4 or the commissioner's designee, may do the following:  
5 (1) Acquire by purchase, gift, or condemnation, sell, abandon,  
6 own in fee or a lesser interest, hold, or lease property in the name  
7 of the state, or otherwise dispose of or encumber property to carry  
8 out its responsibilities.  
9 (2) Contract with persons outside the department to do those  
10 things that in the commissioner's opinion cannot be adequately or  
11 efficiently performed by the department.  
12 (3) Enter into:  
13 (A) a contract with the Indiana finance authority under  
14 IC 8-9.5-8-7; or  
15 (B) a lease with the Indiana finance authority under  
16 IC 8-9.5-8-8;



- 1 for the construction, reconstruction, improvement, maintenance,  
 2 repair, or operation of toll road projects under IC 8-15-2 and toll  
 3 bridges under IC 8-16-1.
- 4 (4) Sue and be sued, including, with the approval of the attorney  
 5 general, the compromise of any claims of the department.
- 6 (5) Hire attorneys.
- 7 (6) Perform all functions pertaining to the acquisition of property  
 8 for transportation purposes, including the compromise of any  
 9 claims for compensation.
- 10 (7) Hold investigations and hearings concerning matters covered  
 11 by orders and rules of the department.
- 12 (8) Execute all documents and instruments necessary to carry out  
 13 its responsibilities.
- 14 (9) Make contracts and expenditures, perform acts, enter into  
 15 agreements, and make rules, orders, and findings that are  
 16 necessary to comply with all laws, rules, orders, findings,  
 17 interpretations, and regulations promulgated by the federal  
 18 government in order to:
- 19 (A) qualify the department for; and  
 20 (B) receive;  
 21 federal government funding on a full or participating basis.
- 22 (10) Adopt rules under IC 4-22-2 to carry out its responsibilities,  
 23 including emergency rules in the manner provided under  
 24 IC 4-22-2-37.1.
- 25 (11) Establish regional offices.
- 26 (12) Adopt a seal.
- 27 (13) Perform all actions necessary to carry out the department's  
 28 responsibilities.
- 29 (14) Order a utility to relocate the utility's facilities and coordinate  
 30 the relocation of customer service facilities if:
- 31 (A) the facilities are located in a highway, street, or road; and  
 32 (B) the department determines that the facilities will interfere  
 33 with a planned highway or bridge construction or  
 34 improvement project funded by the department.
- 35 (15) Reimburse a utility:
- 36 (A) in whole or in part for extraordinary costs of relocation of  
 37 facilities;  
 38 (B) in whole for unnecessary relocations;  
 39 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;  
 40 (D) in whole for relocations covered by IC 8-1-9; and  
 41 (E) to the extent that a relocation is a taking of property  
 42 without just compensation.



1 (16) Provide state matching funds and undertake any surface  
 2 transportation project eligible for funding under federal law.  
 3 However, money from the state highway fund and the state  
 4 highway road construction and improvement fund may not be  
 5 used to provide operating subsidies to support a public  
 6 transportation system or a commuter transportation system.

7 (b) In the performance of contracts and leases with the Indiana  
 8 finance authority, the department has authority under IC 8-15-2, in the  
 9 case of toll road projects and IC 8-16-1, in the case of toll bridges  
 10 necessary to carry out the terms and conditions of those contracts and  
 11 leases.

12 (c) The department shall:

13 (1) classify as confidential any estimate of cost prepared in  
 14 conjunction with analyzing competitive bids for projects until a  
 15 bid below the estimate of cost is read at the bid opening;

16 (2) classify as confidential that part of the parcel files that contain  
 17 appraisal ~~and relocation~~ documents prepared by the department's  
 18 land acquisition division **until the later of July 1, 2014, or either**  
 19 **the date negotiations for the parcel terminate (if the property**  
 20 **is not acquired for the project) or otherwise the parcel is**  
 21 **acquired for the project;**

22 (3) **classify as confidential that part of the parcel files that**  
 23 **contain relocation documents prepared by the department's**  
 24 **land acquisition division until the later of July 1, 2014, or**  
 25 **either the date negotiations for relocation are terminated (if**  
 26 **relocation assistance is not given) or otherwise the parcel**  
 27 **from which the person is being relocated is acquired; and**

28 (4) classify as confidential records that are the product of systems  
 29 designed to detect collusion in state procurement and contracting  
 30 that, if made public, could impede detection of collusive behavior  
 31 in securing state contracts.

32 This subsection does not apply to parcel files of public agencies or  
 33 affect IC 8-23-7-10.

34 (d) **Subsection (c)(2) and (c)(3) do not permit the disclosure of**  
 35 **trade secrets, financial information, or other proprietary**  
 36 **information that is prohibited from disclosure under IC 5-14-3-4,**  
 37 **including information concerning gross monthly income (as**  
 38 **defined in IC 8-23-17-8) or average annual net earnings (as defined**  
 39 **in IC 8-23-17-15) received by the department for the purposes of**  
 40 **determining relocation assistance. If the department determines**  
 41 **that any part of a document or other record that otherwise would**  
 42 **become disclosable under subsection (c)(2) or (c)(3) is confidential**



1 under IC 5-14-3-4 and should not be disclosed (either on its own or  
2 upon request of any person), the department shall notify the public  
3 access counselor for an advisory opinion under IC 5-14-4-10. If the  
4 public access counselor determines that the part of the document  
5 that the department proposes to keep confidential should not be  
6 kept confidential, the department shall make the documents part  
7 of the public record.

