

# HOUSE BILL No. 1379

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4-1112.

**Synopsis:** Eminent domain. Permits a person to require an entity with eminent domain powers to use its eminent domain powers to acquire property not owned by the person if the property is needed for a public use that is required to carry out an approved development plan, planned unit development, or other zoning change. Requires the requesting person to pay the direct costs and expenses incurred in the exercise of eminent domain.

**Effective:** Upon passage.

---

---

## Miller D

---

---

January 15, 2020, read first time and referred to Committee on Judiciary.

---

---



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1379

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 36-7-4-1112 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 1112. (a) This section applies**  
4 **to a person who has received approval for:**  
5 (1) a development plan;  
6 (2) a planned unit development; or  
7 (3) another zoning change;  
8 **that requires the development, use, or improvement for a public**  
9 **use of property not owned by the person receiving the approval.**  
10 (b) As used in this section, "condemnor" has the meaning set  
11 forth in IC 32-24-1-1.  
12 (c) A person described in subsection (a) may request a  
13 condemnor to exercise the power of eminent domain as provided  
14 in IC 32-24.  
15 (d) The request must be:  
16 (1) in writing;  
17 (2) issued to a condemnor that has the appropriate



1           **jurisdiction over the public use in the geographic area of the**  
2           **non-owned property to be used or improved; and**  
3           **(3) describe with reasonable specificity the public use and**  
4           **property interest for which eminent domain is requested.**  
5           **(e) A condemnor shall initiate the process to exercise the power**  
6           **of eminent domain as requested in subsection (d) not later than**  
7           **thirty (30) days after receiving the request and diligently pursue**  
8           **the process to conclusion.**  
9           **(f) A person making a request under subsection (c) shall be**  
10          **responsible for all direct costs and expenses incurred by the**  
11          **condemnor in exercising the power of eminent domain under this**  
12          **section.**  
13          **SECTION 2. An emergency is declared for this act.**

