

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 543, has had the same under consideration and begs leave to report the same back to the Senate 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 6-1.1-25-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~Except as~~
4 ~~provided in subsection (b);~~ When a county acquires title to real
5 property under IC 6-1.1-24 and this chapter, the county may dispose of
6 the real property under IC 36-1-11 or subsection (e). The proceeds of
7 any sale under IC 36-1-11 shall be applied as follows:
8 (1) First, to the cost of the sale **or offering for sale of the real**
9 **property**, including the cost of:
10 (A) maintenance;
11 (B) preservation; ~~and~~
12 (C) administration of the property before ~~the sale including~~
13 ~~prior or offering for sale of the property;~~
14 (D) unpaid costs of ~~sales~~ **the sale or offering for sale of the**
15 **property;**
16 (E) preparation of the property for sale;
17 (F) advertising; and
18 (G) appraisal.
19 (2) Second, **to any unrecovered cost of the sale or offering for**
20 **sale of other real property in the same taxing district acquired**
21 **by the county under IC 6-1.1-24 and this chapter, including**
22 **the cost of:**
23 (A) maintenance;
24 (B) preservation;
25 (C) administration of the property before the sale or
26 offering for sale of the property;

- 1 **(D) unpaid costs of the sale or offering for sale of the**
 2 **property;**
 3 **(E) preparation of the property for sale;**
 4 **(F) advertising; and**
 5 **(G) appraisal.**
 6 **(3) Third,** to the payment of the taxes ~~which~~ **on the real**
 7 **property that** were removed from the tax duplicate under section
 8 4(c) of this chapter.
 9 ~~(3) Third;~~ **Fourth,** any surplus remaining into the county general
 10 fund.
 11 (b) The county auditor shall file a report with the board of
 12 commissioners before January 31 of each year. The report must:
 13 (1) list the real property acquired under IC 6-1.1-24 and this
 14 chapter; and
 15 (2) indicate if any person resides or conducts a business on the
 16 property.
 17 (c) The county auditor shall mail a notice by certified mail before
 18 March 31 of each year to each person listed in subsection (b)(2). The
 19 notice must state that the county has acquired title to the tract the
 20 person occupies.
 21 (d) If the county determines under IC 36-1-11 that any real property
 22 so acquired should be retained by the county, then the county shall not
 23 dispose of the real property. The county executive may repair,
 24 maintain, equip, alter, and construct buildings upon the real property
 25 so retained in the same manner prescribed for other county buildings.
 26 (e) The county may transfer title to real property described in
 27 subsection (a) to the redevelopment commission at no cost to the
 28 commission for sale or grant under IC 36-7-14-22.1 or
 29 IC 36-7-15.1-15.1.
 30 SECTION 2. IC 6-1.1-25-9.5, AS AMENDED BY P.L.1-1999,
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 9.5. (a) This section applies to:
 33 (1) a city having a population of more than one hundred ten
 34 thousand (110,000) but less than one hundred twenty thousand
 35 (120,000);
 36 (2) a city having a population of more than thirty-three thousand
 37 eight hundred fifty (33,850) but less than thirty-five thousand
 38 (35,000) located in a county having a population of more than
 39 four hundred thousand (400,000) but less than seven hundred
 40 thousand (700,000); and
 41 (3) a city having a population of more than seventy-five thousand
 42 (75,000) but less than ninety thousand (90,000).
 43 (b) Whenever a city acquires title to real property under IC 6-1.1-24
 44 and this chapter, the city may dispose of the real property under
 45 IC 36-1-11 or subsection (f). The proceeds of a sale under IC 36-1-11
 46 must be applied as follows:
 47 (1) First, to the cost of the sale **or offering for sale of the real**
 48 **property,** including the cost of:
 49 **(A) maintenance;**
 50 **(B) preservation; and**

- 1 (C) administration of the property before ~~the sale including~~
 2 ~~prior or offering for sale of the property;~~
 3 (D) unpaid costs of ~~sales~~ **the sale or offerings for sale of the**
 4 **property;**
 5 (E) preparation of the property for sale;
 6 (F) advertising; and
 7 (G) appraisal.
- 8 (2) Second, **to any unrecovered cost of the sale or offering for**
 9 **sale of other real property in the same taxing district acquired**
 10 **by the county under IC 6-1.1-24 and this chapter, including**
 11 **the cost of:**
- 12 (A) maintenance;
 13 (B) preservation;
 14 (C) **administration of the property before the sale or**
 15 **offering for sale of the property;**
 16 (D) **unpaid costs of the sale or offering for sale of the**
 17 **property;**
 18 (E) **preparation of the property for sale;**
 19 (F) **advertising; and**
 20 (G) **appraisal.**
- 21 (3) **Third**, to the payment of the taxes **on the real property** that
 22 were removed from the tax duplicate under section 4.2(f) of this
 23 chapter.
- 24 ~~(3) Third;~~ (4) **Fourth**, any surplus remaining must be deposited
 25 in the city's general fund.
- 26 (c) The mayor or the mayor's designee shall file a report with the
 27 board of county commissioners before January 31. The report must:
- 28 (1) list the real property acquired under IC 6-1.1-24 and this
 29 chapter; and
 30 (2) indicate if a person resides or conducts a business on the
 31 property.
- 32 (d) The city shall mail a notice by certified mail before March 31 of
 33 each year to each person listed in subsection (c)(2). The notice must
 34 state that the city has acquired title to the tract the person occupies.
- 35 (e) If the city determines under IC 36-1-11 that real property
 36 acquired under IC 6-1.1-24 or this chapter must be retained by the city,
 37 the city may not dispose of the real property. The mayor or the mayor's
 38 designee may repair, maintain, equip, alter, and construct buildings
 39 upon the real property retained under this section in the same manner
 40 prescribed for other city buildings.
- 41 (f) The city may transfer title to real property described in
 42 subsection (b) to its redevelopment commission at no cost to the
 43 commission for sale or grant under IC 36-7-14-22.1.
- 44 (g) This section expires December 31, 2001.
- 45 SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) IC 6-1.1-25-9**
 46 **and IC 6-1.1-25-9.5, both as amended by this act, apply to:**
 47 **(1) proceeds of sales of real property received on or after the**
 48 **effective date of this act; and**
 49 **(2) proceeds of sales of real property received before the**
 50 **effective date of this act that had not been distributed under**

1 **IC 6-1.1-25-9 and IC 6-1.1-25-9.5 as of the effective date of**
2 **this act.**
3 **(b) This SECTION expires January 1, 2002.**
4 **SECTION 4. An emergency is declared for this act.**
 (Reference is to SB 543 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Governmental and Regulatory Affairs.

GARTON Chairperson