

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 201, 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 Page 2, line 22, before "constitutes" insert "**in any eminent domain**
2 **action under this article**".

3 Page 2, after line 24, begin a new paragraph and insert:

4 "SECTION 2. IC 32-24-1-7, AS ADDED BY P.L.2-2002, SECTION
5 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 2004]: Sec. 7. (a) The notice, upon its return, must show its:

7 (1) service for ten (10) days; or

8 (2) proof of publication for three (3) successive weeks in a
9 weekly newspaper of general circulation printed and published in
10 the English language in the county in which the property sought
11 to be acquired is located.

12 The last publication of the notice must be five (5) days before the day
13 set for the hearing.

14 (b) The clerk of the court in which the proceedings are pending,
15 upon the first publication of the notice, shall send to the post office
16 address of each nonresident owner whose property will be affected by
17 the proceedings a copy of the notice, if the post office address of the
18 owner or owners can be ascertained by inquiry at the office of the
19 treasurer of the county.

20 (c) The court, being satisfied of the regularity of the proceedings

1 and the right of the plaintiff to exercise the power of eminent domain
2 for the use sought, shall appoint three (3) disinterested freeholders of
3 the county, **at least one (1) of whom is:**

- 4 **(1) a real estate broker licensed in Indiana;**
- 5 **(2) an appraiser certified or licensed in Indiana; or**
- 6 **(3) both;**

7 to assess the damages, or the benefits and damages, as the case may be,
8 that the owner or owners severally may sustain, or be entitled to, by
9 reason of the acquisition.

10 SECTION 3. IC 32-24-3-2, AS ADDED BY P.L.2-2002, SECTION
11 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2004]: Sec. 2. Upon filing the petition, the attorney general shall provide
13 the owners of the property the notice required by law in the
14 commencement of a civil action. It is sufficient to make defendants to
15 the petition all persons who are in possession of the property and those
16 who appear to be the owners or to have any interest in the property by
17 the tax duplicates and the records in the offices of the auditor and
18 recorder of the county. After notice has been given, the court shall
19 appoint three (3) resident freeholders of the county where the property
20 is located, **at least one (1) of whom is:**

- 21 **(1) a real estate broker licensed in Indiana;**
- 22 **(2) an appraiser certified or licensed in Indiana; or**
- 23 **(3) both;**

24 to appraise the value of the property."

(Reference is to SB 201 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

Bray

Chairperson