

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 115 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 32-24-4.5-8, AS ADDED BY P.L.163-2006,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 8. Notwithstanding IC 32-24-1, a condemnor that
6 acquires a **permanent or temporary interest in a** parcel of real
7 property through the exercise of eminent domain under this chapter
8 shall compensate the owner of the parcel as follows:
9 (1) For agricultural land:
10 (A) either:
11 (i) payment to the owner equal to one hundred twenty-five
12 percent (125%) of the fair market value of the parcel as
13 determined under IC 32-24-1; or
14 (ii) upon the request of the owner and if the owner and
15 condemnor both agree, transfer to the owner of an ownership
16 interest in agricultural land that is equal in acreage to the
17 parcel acquired through the exercise of eminent domain;
18 (B) payment of any other damages determined under
19 IC 32-24-1 and any loss incurred in a trade or business that is
20 attributable to the exercise of eminent domain; and
21 (C) payment of the owner's relocation costs, if any.
22 (2) For a parcel of real property occupied by the owner as a
23 residence:
24 (A) payment to the owner equal to one hundred fifty percent
25 (150%) of the fair market value of the parcel as determined
26 under IC 32-24-1;
27 (B) payment of any other damages determined under
28 IC 32-24-1 and any loss incurred in a trade or business that is
29 attributable to the exercise of eminent domain; and
30 (C) payment of the owner's relocation costs, if any.
31 (3) For a parcel of real property not described in subdivision (1)

- 1 or (2):
- 2 (A) payment to the owner equal to one hundred percent
- 3 (100%) of the fair market value of the parcel as determined
- 4 under IC 32-24-1;
- 5 (B) payment of any other damages determined under
- 6 IC 32-24-1 and any loss incurred in a trade or business that is
- 7 attributable to the exercise of eminent domain; and
- 8 (C) payment of the owner's relocation costs, if any."
- 9 Renumber all SECTIONS consecutively.
(Reference is to SB 115 as printed January 22, 2010.)

Senator YOUNG R MICHAEL