



January 27, 2025

HOUSE BILL No. 1265

DIGEST OF HB 1265 (Updated January 23, 2025 9:32 am - DI 148)

Citations Affected: IC 6-1.1; IC 15-11; IC 32-24.

Synopsis: Condemnation of Hoosier homestead property. Establishes the Hoosier homestead program administered by the Indiana state department of agriculture to commemorate and maintain a registry of farms owned by the same family for at least 100 years. Provides that if a condemnation action involves the taking of a fee simple interest in a Hoosier homestead: (1) the property owner is entitled to testify at a hearing conducted by the appropriate municipal or county legislative body; and (2) the legislative body must approve the condemnation for the condemnation to proceed. Provides that only the portion of a farm that satisfies the familial ownership and other requirements receives the Hoosier homestead designation and is subject to the provisions regarding eminent domain. Requires all property taxes to be paid up to date to be registered as a Hoosier homestead property or to renew registration as a Hoosier homestead property.

Effective: July 1, 2025.

Greene, Culp, Criswell, Baird

January 9, 2025, read first time and referred to Committee on Agriculture and Rural Development.
January 27, 2025, amended, reported — Do Pass.

HB 1265—LS 7157/DI 87



January 27, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1265

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

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

- 1 SECTION 1. IC 6-1.1-5.5-3, AS AMENDED BY P.L.26-2022,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 3. (a) For purposes of this section, "party"
4 includes:
5 (1) a seller of property that is exempt under the seller's ownership;
6 or
7 (2) a purchaser of property that is exempt under the purchaser's
8 ownership;
9 from property taxes under IC 6-1.1-10.
10 (b) Subject to subsections ~~(g) and (h)~~; **(h) and (i)**, before filing a
11 conveyance document with the county auditor under IC 6-1.1-5-4, all
12 the parties to the conveyance must do the following:
13 (1) Complete and sign a sales disclosure form as prescribed by the
14 department of local government finance under section 5 of this
15 chapter. All the parties may sign one (1) form, or if all the parties
16 do not agree on the information to be included on the completed
17 form, each party may sign and file a separate form. For

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- 1 conveyance transactions involving more than two (2) parties, one
 2 (1) transferor and one (1) transferee signing the sales disclosure
 3 form is sufficient.
- 4 (2) Before filing a sales disclosure form with the county auditor,
 5 submit the sales disclosure form to the county assessor. The
 6 county assessor must review the accuracy and completeness of
 7 each sales disclosure form submitted immediately upon receipt of
 8 the form and, if the form is accurate and complete, stamp or
 9 otherwise approve the form as eligible for filing with the county
 10 auditor and return the form to the appropriate party for filing with
 11 the county auditor. If multiple forms are filed in a short period,
 12 the county assessor shall process the forms as quickly as possible.
 13 For purposes of this subdivision, a sales disclosure form is
 14 considered to be accurate and complete if:
- 15 (A) the county assessor does not have substantial evidence
 16 when the form is reviewed under this subdivision that
 17 information in the form is inaccurate; and
- 18 (B) both of the following conditions are satisfied:
- 19 (i) The form contains the information required by section
 20 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this chapter as that
 21 section applies to the conveyance transaction, subject to the
 22 obligation of a party to furnish or correct that information in
 23 the manner required by and subject to the penalty provisions
 24 of section 12 of this chapter. The form may not be rejected
 25 for failure to contain information other than that required by
 26 section 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this chapter.
- 27 (ii) The form is submitted to the county assessor in a format
 28 usable to the county assessor.
- 29 (3) File the sales disclosure form with the county auditor.
- 30 (4) After December 31, 2023, a county assessor or county auditor
 31 may not refuse to accept a sales disclosure form for filing because
 32 the sales disclosure form is an electronic document.
- 33 (c) The auditor shall review each sales disclosure form and process
 34 any deduction for which the form serves as an application under
 35 IC 6-1.1-12-44. The auditor shall forward each sales disclosure form
 36 to the county assessor. The county assessor shall verify the assessed
 37 valuation of the property for the assessment date to which the
 38 application applies and transmit that assessed valuation to the auditor.
 39 The county assessor shall retain the forms for five (5) years. The county
 40 assessor shall forward the sales disclosure form data to the department
 41 of local government finance in an electronic format specified by the
 42 department of local government finance on or before April 1 in a year



1 ending before January 1, 2016, and on or before February 1 in a year
2 beginning after December 31, 2015. The county assessor shall forward
3 a copy of the sales disclosure forms to the township assessors in the
4 county. The department of local government finance shall make sales
5 disclosure form data received from a county assessor available to the
6 legislative services agency. The forms may be used by the county
7 assessing officials, the department of local government finance, and the
8 legislative services agency for the purposes established in
9 IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules
10 under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized
11 purpose.

12 (d) In a county containing a consolidated city, the auditor shall
13 review each sales disclosure form and process any deduction for which
14 the form serves as an application under IC 6-1.1-12-44. The auditor
15 shall forward the sales disclosure form to the appropriate township
16 assessor (if any). The township assessor shall verify the assessed
17 valuation of the property for the assessment date to which the
18 application applies and transmit that assessed valuation to the auditor.
19 The township or county assessor shall forward the sales disclosure form
20 to the department of local government finance in an electronic format
21 specified by the department of local government finance. The
22 department of local government finance shall make sales disclosure
23 form data received from a township or county assessor available to the
24 legislative services agency. The forms may be used by the county
25 assessing officials, the county auditor, the department of local
26 government finance, and the legislative services agency for the
27 purposes established in IC 6-1.1-4-13.6, sales ratio studies,
28 equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6,
29 and any other authorized purpose.

30 **(e) This subsection applies if a sales disclosure form indicates**
31 **that the conveyance involves property that is registered under**
32 **IC 15-11-16 as a Hoosier homestead. The county assessor or**
33 **township assessor (if any) shall forward the sales disclosure form**
34 **to the Indiana state department of agriculture not later than ten**
35 **(10) days after receipt of the form. The Indiana state department**
36 **of agriculture may use the forms to maintain the information in the**
37 **Hoosier homestead registry.**

38 ~~(e)~~ (f) If a sales disclosure form includes the telephone number or
39 Social Security number of a party, the telephone number or Social
40 Security number is confidential.

41 ~~(f)~~ (g) County assessing officials, county auditors, and other local
42 officials may not establish procedures or requirements concerning sales



1 disclosure forms that substantially differ from the procedures and
2 requirements of this chapter.

3 ~~(g)~~ **(h)** Except as provided in subsection ~~(h)~~; **(i)**, a separate sales
4 disclosure form is required for each parcel conveyed, regardless of
5 whether more than one (1) parcel is conveyed under a single
6 conveyance document.

7 ~~(h)~~ **(i)** Only one (1) sales disclosure form is required for the
8 conveyance under a single conveyance document of two (2) or more
9 contiguous parcels located entirely within a single taxing district.

10 SECTION 2. IC 6-1.1-5.5-5, AS AMENDED BY P.L.192-2021,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2025]: Sec. 5. (a) The department of local government finance
13 shall prescribe a sales disclosure form for use under this chapter. The
14 form prescribed by the department of local government finance must
15 include at least the following information:

- 16 (1) The key number (as defined in IC 6-1.1-1-8.5) of each parcel.
- 17 (2) With respect to each parcel, whether the entire parcel is being
18 conveyed.
- 19 (3) The address of each improved parcel.
- 20 (4) The date of the execution of the form.
- 21 (5) The date the property was transferred.
- 22 (6) Whether the transfer includes an interest in land or
23 improvements, or both.
- 24 (7) Whether the transfer includes personal property.
- 25 (8) An estimate of the value of any personal property included in
26 the transfer.
- 27 (9) The name, address, and telephone number of:
28 (A) each transferor and transferee; and
29 (B) the person that prepared the form.
- 30 (10) The mailing address to which the property tax bills or other
31 official correspondence should be sent.
- 32 (11) The ownership interest transferred.
- 33 (12) The classification of the property (as residential, commercial,
34 industrial, agricultural, vacant land, or other).
- 35 (13) Subject to subsection (c), the total price actually paid or
36 required to be paid in exchange for the conveyance, whether in
37 terms of money, property, a service, an agreement, or other
38 consideration, but excluding tax payments and payments for legal
39 and other services that are incidental to the conveyance.
- 40 (14) The terms of seller provided financing.
- 41 (15) Any family or business relationship existing between the
42 transferor and the transferee.



1 **(16) If the property being conveyed is registered as a Hoosier**
 2 **homestead (as defined in IC 15-11-16-3) the following**
 3 **information:**

4 **(A) The familial relationship (if any) between the**
 5 **transferor and transferee (parent, spouse, sibling, cousin,**
 6 **nephew, niece, aunt, or uncle).**

7 **(B) The number of acres of the parcel (if any) that were**
 8 **owned by the transferor's first family member (as defined**
 9 **in IC 15-11-16-2).**

10 ~~(16)~~ **(17)** A legal description of each parcel subject to the
 11 conveyance.

12 ~~(17)~~ **(18)** Whether the transferee is using the form to claim one (1)
 13 or more deductions under IC 6-1.1-12-44 for property taxes first
 14 due and payable in a calendar year after 2008.

15 ~~(18)~~ **(19)** If the transferee uses the form to claim the standard
 16 deduction under IC 6-1.1-12-37, the information required for a
 17 standard deduction under IC 6-1.1-12-37.

18 ~~(19)~~ **(20)** Sufficient instructions and information to permit a party
 19 to terminate a standard deduction under IC 6-1.1-12-37 on any
 20 parcel of property on which the party or the spouse of the party
 21 will no longer be eligible for the standard deduction under
 22 IC 6-1.1-12-37 after the party or the party's spouse begins to
 23 reside at the property that is the subject of the sales disclosure
 24 form, including an explanation of the tax consequences and
 25 applicable penalties if a party unlawfully claims a standard
 26 deduction under IC 6-1.1-12-37.

27 ~~(20)~~ **(21)** Other information as required by the department of local
 28 government finance to carry out this chapter.

29 ~~(21)~~ **(22)** For transactions occurring after December 31, 2021,
 30 information required under IC 6-1.1-10-21(e) demonstrating proof
 31 of nonprofit status.

32 If a form under this section includes the telephone number or part or all
 33 of the Social Security number of a party, the telephone number or the
 34 Social Security number is confidential.

35 (b) The instructions for completing the form described in subsection

36 (a) must include the information described in IC 6-1.1-12-43(c)(1).

37 (c) If the conveyance includes more than one (1) parcel as described
 38 in section ~~3(h)~~ **3(i)** of this chapter, the form:

39 (1) is not required to include the price referred to in subsection

40 (a)(13) for each of the parcels subject to the conveyance; and

41 (2) may state a single combined price for all of those parcels.

42 SECTION 3. IC 6-1.1-5.5-6, AS AMENDED BY P.L.144-2008,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 6. (a) The county auditor may not accept a
3 conveyance document if:

4 (1) the sales disclosure form signed by all the parties and attested
5 as required under section 9 of this chapter is not included with the
6 document; or

7 (2) the sales disclosure form does not contain the information
8 required by section 5(a)(1) through ~~5(a)(16)~~ **5(a)(17)** of this
9 chapter as that section applies to the conveyance, subject to the
10 obligation of a party to furnish or correct the information in the
11 manner required by and subject to the penalty provisions of
12 section 12 of this chapter.

13 (b) The county recorder shall not record a conveyance document
14 without evidence that the parties have filed with the county auditor a
15 sales disclosure form approved by the county assessor as eligible for
16 filing under section 3(b)(2) of this chapter.

17 SECTION 4. IC 15-11-16 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2025]:

20 **Chapter 16. Hoosier Homesteads**

21 **Sec. 1. As used in this chapter, "farm" means an area of real
22 property that:**

23 (1) is assessed as agricultural property under rules adopted by
24 the department of local government finance; and

25 (2) may also include adjoining real property upon which is
26 located a dwelling and any closely associated buildings and
27 structures.

28 **Sec. 2. As used in this chapter, "first family member" means the
29 original member of the owner's family who owned property that is
30 part of a Hoosier homestead.**

31 **Sec. 3. As used in this chapter, "Hoosier homestead" means any
32 portion of a farm:**

33 (1) that the department determines meets the requirements
34 under section 8 of this chapter;

35 (2) that is entered into the registry under section 11 of this
36 chapter; and

37 (3) for which the registration is not expired or revoked under
38 this chapter.

39 **Sec. 4. As used in this chapter, "owner" means a person:**

40 (1) listed on the tax assessment rolls as being responsible for
41 the payment of real estate taxes imposed on the property; and

42 (2) in whose name title to real estate is shown in the records



- 1 of the recorder of the county in which the real estate is
 2 located.
- 3 **Sec. 5. As used in this chapter, "program" means the Hoosier**
 4 **homestead program established by this chapter.**
- 5 **Sec. 6. As used in this chapter, "registry" means the Hoosier**
 6 **homestead registry established under this chapter.**
- 7 **Sec. 7. (a) The Hoosier homestead program is established for the**
 8 **following purposes:**
- 9 (1) To honor Indiana's rich agricultural heritage by
 10 recognizing:
- 11 (A) family farms that have been owned continuously by the
 12 same family for at least one hundred (100) years; and
- 13 (B) the contributions these family farms have made to the
 14 economic, cultural, and social advancements of Indiana.
- 15 (2) To promote preservation of Indiana's historic family
 16 farms by maintaining a registry that provides notice to an
 17 entity with eminent domain authority that:
- 18 (A) a property proposed for acquisition is a Hoosier
 19 homestead; and
- 20 (B) the entity must comply with IC 32-24-1.5 before
 21 proceeding with condemnation.
- 22 (b) The department shall administer the program.
- 23 **Sec. 8. (a) Any portion of a farm may be eligible for a Hoosier**
 24 **homestead designation, if the property meets the following**
 25 **requirements:**
- 26 (1) The property has been under the continuous ownership of
 27 the same family for at least one hundred (100) years. The line
 28 of ownership from the first family member that owned the
 29 property to the current owner may only be through spouses,
 30 children, siblings, nephews, nieces, aunts, uncles, or cousins.
 31 Legally adopted family members are recognized equally with
 32 blood relatives.
- 33 (2) The property is used for agricultural purposes, which
 34 includes contracting with a nonfamily member to farm the
 35 land.
- 36 (3) At least:
- 37 (A) twenty (20) acres of property used for agricultural
 38 purposes was owned by the first family member; or
- 39 (B) one (1) acre of property used for agricultural purposes
 40 was owned by the first family member and produces a
 41 gross of at least one thousand dollars (\$1,000) of
 42 agricultural products (as defined in IC 15-12-1-3) a year.



- 1 (4) All property taxes under IC 6-1.1 have been paid up to
2 date.
- 3 (b) Only the portion of the farm that meets the requirements
4 under subsection (a):
- 5 (1) constitutes a Hoosier homestead; and
6 (2) is subject to the provisions of IC 32-24-1.5, if condemned.
- 7 Sec. 9. An owner must submit an application for registration to
8 the department on a form established by the department. The
9 application must include the following:
- 10 (1) Information and documentation of the unbroken familial
11 line of ownership of the farm, from the first family member
12 and through all successive family member owners to the
13 current owner. Copies of any of the following may be
14 submitted with the application to document the transfer of
15 ownership and the familial relationship of the owners:
- 16 (A) An original deed, land patent, or other instrument.
17 (B) Records maintained in a courthouse.
18 (C) An abstract of title covering the real estate.
- 19 (2) Information regarding the familial relationship of each
20 previous owner to the current owner.
- 21 (3) If the property is in a trust or in the name of a
22 corporation, proof must be submitted that the farm remains
23 in the family by submitting a copy of:
- 24 (A) the articles of incorporation showing that only family
25 members are members of the corporation; or
26 (B) the trust document showing that only family members
27 are trust beneficiaries.
- 28 (4) Documentation required by the department showing that
29 the property taxes are paid up to date.
- 30 (5) Any other information or documentation required by the
31 department.
- 32 Sec. 10. An owner shall certify on an application to the accuracy
33 of the information provided.
- 34 Sec. 11. (a) If the department determines that the property
35 satisfies the requirements for registration as a Hoosier homestead,
36 the department shall:
- 37 (1) enter the property on the registry as a Hoosier homestead;
38 and
39 (2) issue to the applicant a certificate and yard sign
40 commemorating the farm as a Hoosier homestead.
- 41 (b) The certificate and yard sign issued by the department may
42 commemorate different categories of continuous familial



1 ownership as follows:

2 (1) A centennial designation, if the family has owned a farm
3 for at least one hundred (100) years and less than one
4 hundred fifty (150) years.

5 (2) A sesquicentennial designation, if the family has owned a
6 farm for at least one hundred fifty (150) years and less than
7 two hundred (200) years.

8 (3) A bicentennial designation, if the family has owned a farm
9 for at least two hundred (200) years.

10 Sec. 12. The department shall establish a registry not later than
11 January 1, 2026.

12 Sec. 13. The registry must:

13 (1) be maintained in an electronic format;

14 (2) permit electronic submission of registration renewals;

15 (3) include the registration's expiration date; and

16 (4) be accessible to the public through the computer gateway
17 administered by the office of technology established by
18 IC 4-13.1-2-1.

19 Sec. 14. (a) To maintain a farm's registration as a Hoosier
20 homestead:

21 (1) the requirements under section 8 of this chapter for
22 eligibility must continue to be met; and

23 (2) the farm's registration must be renewed biennially by
24 submitting a renewal application to the department.

25 (b) If a farm's registration is expired or revoked, the provisions
26 of IC 32-24-1.5 do not apply to the farm.

27 Sec. 15. (a) If any part of a Hoosier homestead is transferred,
28 including a transfer to a family member, the registration must be
29 renewed and the registry updated.

30 (b) The department shall receive from a county assessor or
31 township assessor (if any) a sales disclosure form for each
32 conveyance of all or part of a Hoosier homestead under
33 IC 6-1.1-5.5-5. The department shall send a notice to the transferee
34 that for the farm to remain in good standing and maintain
35 designation as a Hoosier homestead, the registration must be
36 renewed by submitting a renewal form to the department not later
37 than sixty (60) days after the date of the notice. The department
38 may require further documentation as proof that the property still
39 satisfies the requirements for a Hoosier homestead.

40 (c) The registry must be updated to reflect that a registration is:

41 (1) revoked, if the department determines that a property
42 transfer results in the farm no longer meeting the eligibility



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requirements of section 8 of this chapter; or
 (2) expired because the registration was not renewed and updated.

Sec. 16. The department may not charge a fee for the registration of a farm as a Hoosier homestead or the renewal of a registration.

Sec. 17. The department shall post information on its website concerning the necessity of maintaining a Hoosier homestead registration in good standing for the provisions of IC 32-24-1.5 to apply.

SECTION 5. IC 32-24-1-3, AS AMENDED BY P.L.84-2016, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) Any person that may exercise the power of eminent domain for any public use under any statute may exercise the power only in the manner provided in this article, except as otherwise provided by law.

(b) Except as provided in subsection (g), before proceeding to condemn, the person:

- (1) may enter upon any land to examine and survey the property sought to be acquired; ~~and~~
- (2) must make an effort to purchase for the use intended the land, right-of-way, easement, or other interest, in the property; **and**
- (3) must first comply with IC 32-24-1.5 before making an effort to purchase under subdivision (2), if the property is a registered Hoosier homestead under IC 15-11-16.**

(c) The effort to purchase under subsection (b)(2) must include the following:

- (1) Establishing a proposed purchase price for the property.
- (2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.
- (3) Conducting good faith negotiations with the owner of the property.

(d) If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.



- 1 (e) The deed given, when executed instead of condemnation,
- 2 conveys only the interest stated in the deed.
- 3 (f) If property is taken by proceedings under this article, the entire
- 4 fee simple title may be taken and acquired.
- 5 (g) This subsection applies to a public utility (as defined in
- 6 ~~IC 32-24-1-5.9(a)~~ **section 5.9(a) of this chapter**) or a pipeline
- 7 company (as defined in IC 8-1-22.6-7). If a public utility or a pipeline
- 8 company seeks to acquire land or an interest in land under this article,
- 9 the public utility or pipeline company may not enter upon the land to
- 10 examine or survey the property sought to be acquired unless either of
- 11 the following occur:
- 12 (1) The public utility or the pipeline company sends notice by
- 13 certified mail to the affected landowner (as defined in
- 14 IC 8-1-22.6-2) of the public utility's or the pipeline company's
- 15 intention to enter upon the landowner's property for survey
- 16 purposes. The notice required by this subdivision must be mailed
- 17 not later than fourteen (14) days before the date of the public
- 18 utility's or the pipeline company's proposed examination or
- 19 survey.
- 20 (2) The public utility or the pipeline company receives the
- 21 landowner's signed consent to enter the property to perform the
- 22 proposed examination or survey.
- 23 An affected landowner may bring an action to enforce this subsection
- 24 in the circuit court, superior court, or probate court of the county in
- 25 which the landowner's property is located. A prevailing landowner is
- 26 entitled to the landowner's actual damages as a result of the public
- 27 utility's or the pipeline company's violation. In addition, the court may
- 28 award a prevailing landowner reasonable costs of the action and
- 29 attorney's fees.
- 30 SECTION 6. IC 32-24-1-8, AS AMENDED BY P.L.80-2020,
- 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2025]: Sec. 8. (a) A defendant may object to the proceedings:
- 33 (1) because the court does not have jurisdiction either of the
- 34 subject matter or of the person;
- 35 (2) because the plaintiff does not have the right to exercise the
- 36 power of eminent domain for the use sought; ~~or~~
- 37 **(3) because the property is registered as a Hoosier homestead**
- 38 **under IC 15-11-16 and the requirements of IC 32-24-1.5 were**
- 39 **not satisfied; or**
- 40 ~~(3)~~ **(4)** for any other reason disclosed in the complaint or set up in
- 41 the objections.
- 42 (b) Objections under subsection (a) must be:



- 1 (1) in writing;
 2 (2) separately stated and numbered; and
 3 (3) filed not later than thirty (30) days after the date the notice
 4 required in section 6 of this chapter is served on the defendant.
 5 However, the court may extend the period for filing objections by
 6 not more than thirty (30) days upon written motion of the
 7 defendant.

8 (c) The court may not allow pleadings in the cause other than the
 9 complaint, any objections, and the written exceptions provided for in
 10 section 11 of this chapter. However, the court may permit amendments
 11 to the pleadings.

12 (d) If an objection is sustained, the plaintiff may amend the
 13 complaint or may appeal from the decision in the manner that appeals
 14 are taken from final judgments in civil actions. All the parties shall take
 15 notice and are bound by the judgment in an appeal.

16 (e) If the objections are overruled, the court shall appoint appraisers
 17 as provided for in this chapter. Any defendant may appeal the
 18 interlocutory order overruling the objections and appointing appraisers
 19 in the manner that appeals are taken from final judgments in civil
 20 actions.

21 (f) All the parties shall take notice of and be bound by the judgment
 22 in the appeal.

23 (g) The transcript must be filed in the office of the clerk of the
 24 supreme court not later than thirty (30) days after the notice of the
 25 defendant's appeal is filed. The appeal does not stay proceedings in the
 26 cause.

27 (h) This subsection does not apply to a condemnation action brought
 28 by a public utility (as defined in section 5.9(a) of this chapter) or by a
 29 pipeline company. Notwithstanding section 14 of this chapter, if an
 30 objection:

- 31 (1) is sustained, and no appeal is filed; or
 32 (2) is sustained in the judgment in the appeal;

33 the court shall award the defendant the reasonable costs and attorney's
 34 fees incurred for the objection, in an amount not to exceed twenty-five
 35 thousand dollars (\$25,000).

36 SECTION 7. IC 32-24-1.5 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2025]:

39 **Chapter 1.5. Condemnation of a Hoosier Homestead**

40 **Sec. 1. This chapter applies to the exercise of eminent domain by**
 41 **every person that may exercise the power of eminent domain.**

42 **Sec. 2. This chapter only applies to the acquisition by**



1 condemnation of a fee simple interest in Hoosier homestead
2 property.

3 **Sec. 3. This chapter only applies to an exercise of eminent
4 domain under:**

5 (1) any statute (excluding IC 32-24-2) for which a written
6 acquisition offer for the property is rejected by the owner
7 after June 30, 2025; or

8 (2) IC 32-24-2, for which the works board adopts a resolution
9 under IC 32-24-2-6 after June 30, 2025.

10 **Sec. 4. As used in this chapter, "farm" has the meaning set forth
11 in IC 15-11-16-1.**

12 **Sec. 5. As used in this chapter, "Hoosier homestead" means any
13 portion of a farm that satisfies both of the following:**

14 (1) The property is registered as a Hoosier homestead under
15 IC 15-11-16-11.

16 (2) The registration under subdivision (1) is not expired or
17 revoked as provided in IC 15-11-16-14.

18 **Sec. 6. As used in this chapter, "legislative body" means the
19 legislative body (as defined in IC 36-1-2-9) of a county, city, or
20 town.**

21 **Sec. 7. As used in this chapter, "owner" means a person who
22 owns property that is registered as a Hoosier homestead, as
23 evidenced by both of the following:**

24 (1) The person is listed on the tax assessment rolls as
25 responsible for the payment of real estate taxes imposed on
26 the property.

27 (2) The person's name is shown on the title to the real estate
28 in the records of the recorder of the county in which the real
29 estate is located.

30 **Sec. 8. Notwithstanding any other law, a condemnor may not file
31 a complaint in condemnation or a works board may not hear
32 remonstrances under IC 32-24-2-6 unless the requirements of this
33 chapter are satisfied.**

34 **Sec. 9. (a) This section applies only to an acquisition of property
35 under section 3(1) of this chapter.**

36 **(b) A condemnor shall send notice of an owner's rejection of a
37 written acquisition offer for the property:**

38 (1) not later than ten (10) days after the date the owner's
39 rejection is received; and

40 (2) to one (1) of the following:

41 (A) The city or town legislative body, if a majority of the
42 Hoosier homestead property is located within a city or



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town.
(B) The county legislative body, if a majority of the Hoosier homestead property is located within the unincorporated area of the county.

Sec. 10. (a) This section only applies to an acquisition of property under section 3(2) of this chapter.

(b) A works board shall send notice of the adoption of the resolution under IC 32-24-2-6:

- (1) not later than ten (10) days after the date the resolution is adopted; and
- (2) to:
 - (A) the city or town legislative body, if a majority of the Hoosier homestead property is located within a city or town; or
 - (B) the county legislative body, if a majority of the Hoosier homestead property is located within the unincorporated area of the county;

at the same time notice of the resolution is sent to affected persons.

Sec. 11. (a) The legislative body shall set a date for a hearing not earlier than thirty (30) days or later than sixty (60) days after receiving notice of:

- (1) the property owner's rejection under section 9 of this chapter; or
- (2) the works board's adoption of a resolution under section 10 of this chapter.

(b) The legislative body shall provide notice of the hearing to each owner by certified mail, return receipt requested or any other means of delivery that includes a return receipt at least thirty (30) days before the date of the hearing.

Sec. 12. Any owner receiving notice of the hearing under section 11 of this chapter is entitled to provide oral or written testimony at the hearing regarding:

- (1) the proposed acquisition of the property; and
- (2) the purpose for which condemnation of the property is sought.

Sec. 13. (a) After conducting the hearing, the legislative body shall issue a written determination approving or disapproving the condemnation and stating the basis for its determination.

(b) The legislative body may approve the condemnation only if the legislative body makes a determination that:

- (1) there is no feasible and prudent alternative to using the Hoosier homestead for the purpose for which condemnation



1 **is sought and the proposed condemnation of the Hoosier**
2 **homestead would not have an unreasonably adverse effect**
3 **upon the preservation and enhancement of agriculture within**
4 **the area; or**
5 **(2) evidence presented at the hearing shows that the property**
6 **is not a Hoosier homestead or the Hoosier homestead**
7 **registration is expired, revoked, or has not been renewed.**
8 **Sec. 14. If the legislative body:**
9 **(1) approves the condemnation:**
10 **(A) the condemnor may file a complaint in condemnation**
11 **against the property or the works board may hear**
12 **remonstrances under IC 32-24-2-6 regarding the property;**
13 **and**
14 **(B) the condemnation may proceed under any applicable**
15 **statute; or**
16 **(2) rejects the condemnation, the condemnor may not proceed**
17 **with the condemnation.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1265, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 31, delete "a" and insert "**any portion of a**".

Page 7, delete lines 23 through 25, begin a new paragraph and insert:

"Sec. 8. (a) Any portion of a farm may be eligible for a Hoosier homestead designation, if the property meets the following requirements:".

Page 7, after line 42, begin a new line block indented and insert:

"(4) All property taxes under IC 6-1.1 have been paid up to date."

Page 8, delete lines 1 through 6, begin a new paragraph and insert:

"(b) Only the portion of the farm that meets the requirements under subsection (a):

(1) constitutes a Hoosier homestead; and

(2) is subject to the provisions of IC 32-24-1.5, if condemned."

Page 8, between lines 27 and 28, begin a new line block indented and insert:

"(4) Documentation required by the department showing that the property taxes are paid up to date."

Page 8, line 28, delete "(4)" and insert "**(5)**".

Page 13, line 10, delete "a" and insert "**any portion of a**".

Page 13, line 12, delete "farm" and insert "**property**".

and when so amended that said bill do pass.

(Reference is to HB 1265 as introduced.)

AYLESWORTH

Committee Vote: yeas 11, nays 0.

