

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6928
BILL NUMBER: SB 216

NOTE PREPARED: Dec 30, 2025
BILL AMENDED:

SUBJECT: Eminent Domain.

FIRST AUTHOR: Sen. Buck
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person operating a business on a property may be compensated for business losses resulting from a condemnation of the property. It also provides that a municipality may not acquire property using an alternative condemnation procedure if the municipality is notified of the person's intent to claim compensation for business losses. The bill also specifies that if a unit of local government (unit) provides forgivable loans, the unit must (as a condition of providing forgivable loans) require that a person operating a business on a property may be entitled to compensation under the bill's provisions concerning compensation for business losses.

Effective Date: Upon passage.

Explanation of State Expenditures: The Indiana Department of Transportation (INDOT) could pay higher compensation to an owner for their business losses in future commercial condemnations. It would be INDOT's responsibility to prove the value of the loss of going concern are accurate in determining fair market value of a condemned property. From 2019 to 2023, INDOT disbursed over \$100 M on commercial condemnations.

Additionally, the state could face increased litigation to determine fair value of future claims. The Attorney General would represent the state and would likely see an increase in workload for case work as a result of the bill.

Explanation of State Revenues: If additional civil cases occur and court fees are collected, revenue to the state General Fund will increase. The total revenue per case would range between \$100 and \$122. The amount deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

Explanation of Local Expenditures: This bill's provisions may result in an increase in a local unit's costs associated with eminent domain condemnation proceedings. It will also increase the likelihood that a property owner will bring a suit against the local unit after their property has been taken through

condemnation.

The overall impact of this bill's provisions could be significant for local units in eminent domain condemnations. However, the actual fiscal impact will vary and will be contingent on the compensation for loss of value ultimately awarded to a property owner.

Explanation of Local Revenues: If additional cases occur, revenue will be collected by certain local units. If the case is filed in a court of record, the county will receive \$32 and qualifying municipalities will receive a share of \$3. If the case is filed in a municipal court, the county receives \$20, and the municipality will receive \$37. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

State Agencies Affected: INDOT; Attorney General.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual, Indiana Supreme Court, Indiana Trial Court Fee Manual; Andrea Zimmerman, Deputy Chief of Staff, INDOT, from testimony given on SB 155 (2024), January 18, 2024:
https://iga.in.gov/session/2024/video/committee_local_government_4300/

Fiscal Analyst: Katherine Timperman, 317-232-9571.