

HOUSE BILL No. 1006

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-196.5; IC 13-11-2-233.5;
IC 13-20-2-9.

Synopsis: Landfills near schools. Requires that public school classroom buildings approved for construction after January 1, 1995, and landfills in certain stages of the permitting process on January 1, 1995, must be located at least 900 feet apart.

Effective: January 1, 1995 (retroactive).

Webber

January 6, 1998, read first time and referred to Committee on Education.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1006

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

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

1 SECTION 1. IC 13-11-2-196.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 1995 (RETROACTIVE)]: **Sec. 196.5. "School building",**
4 **for purposes of IC 13-20-2-9, refers to a public school classroom**
5 **building.**

6 SECTION 2. IC 13-11-2-233.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 1995 (RETROACTIVE)]: **Sec. 233.5. "Tract", for**
9 **purposes of IC 13-20-2-9, has the meaning set forth in**
10 **IC 6-1.1-1-22.5.**

11 SECTION 3. IC 13-20-2-9 IS ADDED TO THE INDIANA CODE
12 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 1995 (RETROACTIVE)]: **Sec. 9. (a) This section applies**
14 **to the following:**

- 15 (1) **A school building that is approved for construction after**
16 **December 31, 1994.**
17 (2) **A landfill for which an application for an original permit for**

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- 1 **construction or operation is:**
2 **(A) filed after December 31, 1994;**
3 **(B) filed before January 1, 1995, but for which the**
4 **application is not granted or denied by the commissioner of**
5 **the department of environmental management before**
6 **January 1, 1995; or**
7 **(C) filed and granted by the commissioner of the**
8 **department of environmental management before January**
9 **1, 1995, but for which an appeal of the commissioner's**
10 **action in granting the permit was pending on January 1,**
11 **1995.**
- 12 **(b) The solid waste boundary of a landfill may not be located**
13 **within nine hundred (900) feet of a school building without the**
14 **written consent of the governing body of the school corporation that**
15 **controls the school building. The measurement that this subsection**
16 **requires is made from the point on the school building that is nearest**
17 **to the solid waste boundary of the landfill.**
- 18 **(c) A school building may not be constructed within nine hundred**
19 **(900) feet of the property line of a contiguous tract on which a**
20 **landfill is located. The measurement that this subsection requires is**
21 **made from the point on the school building that is nearest to the**
22 **property line of the landfill tract.**
- 23 **(d) The commissioner may deny an application for an original**
24 **permit for the construction or operation of a landfill if the**
25 **commissioner finds that the proposed landfill does not comply with**
26 **the requirements of this section.**
- 27 **(e) The solid waste management board may adopt rules under**
28 **IC 4-22-2 to administer this section.**
- 29 **SECTION 4. An emergency is declared for this act.**

