

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7832

BILL NUMBER: HB 2076

DATE PREPARED: Feb 18, 1999

BILL AMENDED: Feb 18, 1999

SUBJECT: Nuisance actions and solid waste districts.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a civil action to abate or enjoin a nuisance caused by the unlawful dumping of solid waste to be brought by an attorney representing a solid waste management district in which the nuisance exists. It also allows a county, city, town, or solid waste management district that brings a successful action to abate or enjoin a nuisance caused by the unlawful dumping of solid waste to recover cleanup costs incurred by the county, city, town, or solid waste management district to remove and appropriately dispose of the unlawfully dumped solid waste.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill broadens the scope of civil actions regarding a nuisance to include filings by attorneys representing a solid waste management district. This may increase the number of civil actions filed. The civil action filing fee is \$100. If the action is filed in a trial court, 70% is deposited into the state General Fund. If the action is filed in a city or town court, the state General Fund receives 50%.

Explanation of Local Expenditures: (Revised) Additional civil action filings may increase the caseloads of some trial, city or town courts. Trial court operating expenses are paid from the county general fund. Operating expenses of city and town courts are paid from the general fund of the city or town in which the court is located.

This bill also allows a solid waste management district that brings a successful action to abate or enjoin a nuisance to recover reasonable attorney's fees and court costs incurred in bringing the action. It also allows a county, city, town, or solid waste management district to recover reasonable cleanup costs incurred by those entities to remove and appropriately dispose of unlawfully dumped solid waste.

Explanation of Local Revenues: If the action is filed in trial court, the county general fund receives 27% of the \$100 filing fee. The other 3% is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county. If the action is filed in a city or town court, the county general fund receives 25% and the city or town general fund receives the remaining 25%.

State Agencies Affected:

Local Agencies Affected: Solid waste management districts; Local units of government; Trial courts; City or town courts.

Information Sources: