

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 6 be amended to read as follows:

- 1 Page 7, after line 15, begin a new paragraph and insert:
- 2 "SECTION 12. IC 34-19-1-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An action to
- 4 abate or enjoin a nuisance may be brought by any person whose:
- 5 (1) property is injuriously affected; or
- 6 (2) personal enjoyment is lessened;
- 7 by the nuisance.
- 8 (b) A civil action to abate or enjoin a nuisance may also be
- 9 brought by:
- 10 (1) an attorney representing:
- 11 (A) the county; or
- 12 (B) **subject to subsection (d), the solid waste**
- 13 **management district established under IC 13-21-3-1;**
- 14 in which a nuisance exists; or
- 15 (2) the attorney of any city or town in which a nuisance exists.
- 16 (c) A county, city, or town, **or solid waste management district**
- 17 **that brings a successful action under this section (or IC 34-1-52-2**
- 18 **before its repeal) to abate or enjoin a nuisance caused by the unlawful**
- 19 **dumping of solid waste is entitled to recover reasonable attorney's fees**
- 20 **and court costs incurred in bringing the action.**
- 21 (d) **A solid waste management district may bring a civil action**
- 22 **under this chapter only to abate or enjoin a nuisance caused by the**
- 23 **unlawful dumping of solid waste."**

(Reference is to ESB 6 as printed April 6, 1999.)

Representative KRUZAN