



February 19, 1999

HOUSE BILL No. 2076

DIGEST OF HB 2076 (Updated February 17, 1999 12:54 pm - DI 69)

Citations Affected: IC 34-19.

Synopsis: Nuisance actions and solid waste districts. 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. 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: July 1, 1999.

Kruzan, Wolkins

January 27, 1999, read first time and referred to Committee on Environmental Affairs.
February 18, 1999, amended, reported — Do Pass.

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February 19, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 2076

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

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

- 1 SECTION 1. IC 34-19-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An action to
3 abate or enjoin a nuisance may be brought by any person whose:
4 (1) property is injuriously affected; or
5 (2) personal enjoyment is lessened;
6 by the nuisance.
7 (b) A civil action to abate or enjoin a nuisance may also be brought
8 by:
9 (1) an attorney representing:
10 (A) the county; or
11 (B) **subject to subsection (d), the solid waste management**
12 **district established under IC 13-21-3-1;**
13 in which a nuisance exists; or
14 (2) the attorney of any city or town in which a nuisance exists.
15 (c) A county, city, ~~or~~ town, **or solid waste management district**
16 that brings a successful action under this section (or IC 34-1-52-2
17 before its repeal) to abate or enjoin a nuisance caused by the unlawful

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1 dumping of solid waste is entitled to recover:
2 (1) reasonable attorney's fees **and court costs** incurred in
3 bringing the action; **and**
4 (2) **reasonable cleanup costs incurred by the county, city,**
5 **town, or solid waste management district to remove and**
6 **appropriately dispose of the unlawfully dumped solid waste**
7 **subject to IC 13-30-3-13.**
8 (d) **A solid waste management district may bring a civil action**
9 **under this chapter only to abate or enjoin a nuisance caused by the**
10 **unlawful dumping of solid waste.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 2076, 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 1, line 9, delete "the".

Page 1, line 10, before "county" insert "the".

Page 1, line 11, after "(B)" insert "**subject to subsection (d), the**".

Page 2, line 1, delete "reasonable attorney's fees" and insert ":".

Page 2, delete line 2, begin a new line block indented and insert:

"(1) reasonable attorney's fees **and court costs** incurred in bringing the action; **and**

(2) reasonable cleanup costs incurred by the county, city, town, or solid waste management district to remove and appropriately dispose of the unlawfully dumped solid waste subject to IC 13-30-3-13.

(d) A solid waste management district may bring a civil action under this chapter only to abate or enjoin a nuisance caused by the unlawful dumping of solid waste."

and when so amended that said bill do pass.

(Reference is to HB 2076 as introduced.)

STURTZ, Chair

Committee Vote: yeas 14, nays 0.

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