
SENATE BILL No. 374

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23.

Synopsis: Harvesting grasses along highways. Requires the Indiana department of transportation to enter into leases of highway rights-of-way for which responsibility is assigned to the department for the growth, maintenance, and harvesting of grasses or other plants that are suitable for processing into fuels or other energy products.

Effective: July 1, 2009.

Waterman

January 8, 2009, read first time and referred to Committee on Natural Resources.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 374



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

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

- 1 SECTION 1. IC 8-23-9-4.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) As used in this
- 3 section, "qualified work release program" refers to:
- 4 (1) a work release program that is established by the department
- 5 of correction under IC 11-10-8 or IC 11-10-10; or
- 6 (2) a county work release program under IC 11-12-5.
- 7 (b) Notwithstanding IC 8-23-10, **but subject to IC 8-23-24.5**, the
- 8 commissioner may contract with a qualified work release program for
- 9 the maintenance of a highway right-of-way without taking competitive
- 10 bids. As used in this subsection, "highway right-of-way" includes only
- 11 the grass plats.
- 12 SECTION 2. IC 8-23-24-1 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. When consistent
- 14 with public safety **and subject to IC 8-23-24.5**, the department shall
- 15 plant trees along the rights-of-way of highways, streets, and roads for
- 16 which responsibility is assigned to the department.
- 17 SECTION 3. IC 8-23-24.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2009]:

3 **Chapter 24.5. Planting Grasses and Other Plants for Energy**
4 **Production**

5 **Sec. 1. The intent of this chapter is to encourage the use of**
6 **highway rights-of-way owned by the state to promote the growth**
7 **and harvesting of vegetation to be used as fuels and other energy**
8 **products.**

9 **Sec. 2. As used in this chapter, "highway rights-of-way" refer**
10 **to highway rights-of-way for which responsibility is assigned to the**
11 **department.**

12 **Sec. 3. As used in this chapter, "vegetation" refers to grasses or**
13 **other plants that are suitable for processing into fuels or other**
14 **energy products.**

15 **Sec. 4. To the extent permitted by federal law and when**
16 **consistent with public safety, the department shall enter into leases**
17 **with appropriate persons for the persons to plant, maintain, and**
18 **harvest vegetation on the highway rights-of-way for use in**
19 **production of energy.**

20 **Sec. 5. A lease under this chapter must provide for the**
21 **following:**

- 22 (1) **The lessee is responsible for planting, maintaining, and**
- 23 **harvesting the vegetation at the lessee's cost.**
- 24 (2) **The lessee becomes the owner of the vegetation when**
- 25 **harvested.**
- 26 (3) **The harvested vegetation must be used for the production**
- 27 **of fuels or other energy products.**

28 **Sec. 6. A lease under this chapter may provide for the following:**

- 29 (1) **Any term of the lease that the department considers best**
- 30 **to implement the intent of this chapter, but not for more than**
- 31 **four (4) years.**
- 32 (2) **For the lease of parcels of sizes that the department**
- 33 **considers the best to implement the intent of this chapter.**
- 34 (3) **Any other provisions that the department considers useful**
- 35 **to implement the intent of this chapter.**

36 **Sec. 7. The department shall award a lease under this chapter**
37 **to the responsive and responsible bidder who submits the highest**
38 **bid for the particular lease.**

39 **Sec. 8. To the extent permitted by federal law, the department**
40 **shall make the use of highway rights-of-way as provided in this**
41 **chapter a priority over all other uses.**

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