



January 24, 2014

HOUSE BILL No. 1187

DIGEST OF HB 1187 (Updated January 21, 2014 6:13 pm - DI 84)

Citations Affected: IC 36-9.

Synopsis: Extraterritorial municipal sewage works. Defines "overlapping area". Provides that an ordinance adopted before July 1, 2014, that prohibits a municipality from providing sewage treatment service to certain customers is void. Provides that an ordinance adopted after June 30, 2014, that prohibits a municipality from providing sewage treatment service in an overlapping area is void.

Effective: July 1, 2014.

**Bacon, Wolkins, Sullivan,
Niezgodski**

January 14, 2014, read first time and referred to Committee on Local Government.
January 23, 2014, reported — Do Pass.

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January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1187

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

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

- 1 SECTION 1. IC 36-9-2-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **Except as**
3 **provided in IC 36-9-23-36.5**, a unit may regulate the furnishing of the
4 service of collecting, processing, and disposing of waste substances
5 and domestic or sanitary sewage. This includes the power to fix the
6 price to be charged for that service.
- 7 SECTION 2. IC 36-9-2-18 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. A municipality may
9 exercise powers granted by sections 2, 3, 14, 16, and 17 of this chapter
10 in areas within four (4) miles outside its corporate boundaries.
11 **However, the exercise of the powers granted by sections 16 and 17**
12 **of this chapter is subject to IC 36-9-23-36.5.**
- 13 SECTION 3. IC 36-9-2-19 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. **Subject to**
15 **IC 36-9-23-36.5, if applicable**, a municipality may exercise powers
16 granted by sections 9, 10, 11, 12, and 13 of this chapter in areas within

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1 ten (10) miles outside its corporate boundaries.

2 SECTION 4. IC 36-9-23-36.5 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2014]: **Sec. 36.5. (a) As used in this section,**
 5 **"regulated territory" means the area outside the corporate**
 6 **boundaries of a municipality described in:**

7 (1) IC 36-9-2-18, with respect to the exercise of powers
 8 granted by IC 36-9-2-16 or IC 36-9-2-17;

9 (2) IC 36-9-2-19, if applicable; or

10 (3) section 36(a) of this chapter.

11 (b) As used in this section, "overlapping area" means an area
 12 that is located in more than one (1) regulated territory.

13 (c) An ordinance that:

14 (1) is adopted by a municipality before July 1, 2014; and

15 (2) prohibits, or has the effect of prohibiting, any other
 16 municipality from exercising a power granted by this chapter
 17 to customers that are:

18 (A) located in an overlapping area; and

19 (B) served by the other municipality on the effective date
 20 of the ordinance;

21 is void.

22 (d) After June 30, 2014, a municipality may not adopt an
 23 ordinance that prohibits, or has the effect of prohibiting, any other
 24 municipality from exercising a power granted by this chapter in an
 25 overlapping area. An ordinance that is:

26 (1) adopted after June 30, 2014; and

27 (2) contrary to this subsection;

28 is void.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1187 as introduced.)

Committee Vote: Yeas 10, Nays 1

Representative Neese

