



January 31, 2014

SENATE BILL No. 313

DIGEST OF SB 313 (Updated January 30, 2014 10:04 am - DI 87)

Citations Affected: IC 32-30; noncode.

Synopsis: Nuisance actions. Provides that a county, city, or town that brings a successful action to abate or enjoin a nuisance is entitled to recover reasonable attorney's fees incurred in bringing the action. (Under current law, the attorney fees may be recovered only in a nuisance action concerning the unlawful dumping of solid waste.) Specifies that any person that successfully defends a nuisance action is entitled to reasonable costs and attorney's fees incurred in defending the action. Urges the legislative council to assign to a study committee, during the 2014 legislative interim, the topic of authorizing a county, city, or town to collect a law enforcement run fee from a property owner, if law enforcement officers of the unit are dispatched to a property multiple times within a year to investigate an alleged occurrence of criminal activity on the property.

Effective: July 1, 2014.

Young R Michael

January 14, 2014, read first time and referred to Committee on Local Government.
January 30, 2014, amended, reported favorably — Do Pass.

SB 313—LS 6905/DI 73



January 31, 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.

SENATE BILL No. 313

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 32-30-6-7, AS AMENDED BY P.L.82-2005,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 7. (a) An action to abate or enjoin a nuisance may
4 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 brought
9 by:
10 (1) an attorney representing the county in which a nuisance exists;
11 or
12 (2) the attorney of any city or town in which a nuisance exists.
13 (c) A county, city, or town that brings a successful action under this
14 section (~~or IC 34-1-52-2 or IC 34-19-1-2 before their repeal~~) to abate
15 or enjoin a nuisance ~~caused by the unlawful dumping of solid waste~~ is
16 entitled to recover reasonable attorney's fees incurred in bringing the

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- 1 action.
- 2 (d) A ~~forestry operation~~ **person** that successfully defends an action
- 3 under this section is entitled to reasonable costs and attorney's fees
- 4 incurred in defending the action.
- 5 SECTION 2. [EFFECTIVE JULY 1, 2014] (a) **As used in this**
- 6 **SECTION, "legislative council" refers to the legislative council**
- 7 **established by IC 2-5-1.1-1.**
- 8 (b) **As used in this SECTION, "study committee" means either**
- 9 **of the following:**
- 10 (1) **A statutory committee established under IC 2-5.**
- 11 (2) **An interim study committee.**
- 12 (c) **The legislative council is urged to assign to a study**
- 13 **committee, during the 2014 legislative interim, the topic of**
- 14 **authorizing a county, city, or town to collect a law enforcement run**
- 15 **fee from a property owner, if law enforcement officers of the unit**
- 16 **are dispatched to a property multiple times within a year to**
- 17 **investigate an alleged occurrence of criminal activity on the**
- 18 **property.**
- 19 (d) **If the topic described in subsection (c) is assigned to a study**
- 20 **committee, the study committee shall issue a final report to the**
- 21 **legislative council containing the study committee's findings and**
- 22 **recommendations, including any recommended legislation**
- 23 **concerning the topic, in an electronic format under IC 5-14-6 not**
- 24 **later than November 1, 2014.**
- 25 (e) **This SECTION expires December 31, 2014.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 313, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 32-30-6-7, AS AMENDED BY P.L.82-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) An action to abate or enjoin a nuisance may be brought by any person whose:

- (1) property is injuriously affected; or
- (2) personal enjoyment is lessened;

by the nuisance.

(b) A civil action to abate or enjoin a nuisance may also be brought by:

- (1) an attorney representing the county in which a nuisance exists; or
- (2) the attorney of any city or town in which a nuisance exists.

(c) A county, city, or town that brings a successful action under this section (~~or IC 34-1-52-2 or IC 34-19-1-2 before their repeal~~) to abate or enjoin a nuisance ~~caused by the unlawful dumping of solid waste~~ is entitled to recover reasonable attorney's fees incurred in bringing the action.

(d) A ~~forestry operation~~ **person** that successfully defends an action under this section is entitled to reasonable costs and attorney's fees incurred in defending the action.

SECTION 2. [EFFECTIVE JULY 1, 2014] (a) **As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) **As used in this SECTION, "study committee" means either of the following:**

- (1) **A statutory committee established under IC 2-5.**
- (2) **An interim study committee.**

(c) **The legislative council is urged to assign to a study committee, during the 2014 legislative interim, the topic of authorizing a county, city, or town to collect a law enforcement run fee from a property owner, if law enforcement officers of the unit are dispatched to a property multiple times within a year to investigate an alleged occurrence of criminal activity on the property.**

(d) **If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the**



legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(e) This SECTION expires December 31, 2014."

Delete pages 2 through 3.

and when so amended that said bill do pass.

(Reference is to SB 313 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 1.

