
HOUSE BILL No. 1358

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-3-4.6-5.4.

Synopsis: Destruction of noxious weeds. Requires a county weed control board that refers the destruction of noxious weeds to a township trustee to pay for the cutting or destruction of the weeds.

Effective: July 1, 2001.

Burton

January 11, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1358



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 15-3-4.6-5.4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.4. (a) If a person fails
 3 to begin a program recommended by the weed control board to control
 4 and contain noxious weeds within the time prescribed in section 5 of
 5 this chapter, the weed control board may pay for the chemicals,
 6 equipment, and labor performed in cutting or destroying noxious weeds
 7 under this chapter at a rate per hour to be fixed by the weed control
 8 board commensurate with local hourly wages. **If a weed control board**
 9 **notifies a township trustee of real estate containing detrimental**
 10 **plants within that township and the weed control board requests**
 11 **that the trustee cut or destroy the noxious weeds, the weed control**
 12 **board shall pay for the chemicals, equipment, and labor performed**
 13 **in cutting or destroying noxious weeds under this chapter at a rate**
 14 **per hour to be fixed by the weed control board commensurate with**
 15 **local hourly wages.**

16 (b) When the work has been performed, the person doing the work
 17 shall file an itemized bill for the work in the office of the weed control



1 board. When the bill has been approved, the weed control board shall
 2 pay the bill from the county general fund, unless the county has
 3 established a separate fund for the weed control board. The weed
 4 control board shall certify the cost of the work, adding to the bill twenty
 5 dollars (\$20) per day for each day that a member of the weed control
 6 board or the board's agent supervises the performance of the services
 7 required under this chapter as compensation for services. The certified
 8 statement of costs must include a description of the real estate on which
 9 the labor was performed.

10 (c) The certified statement of costs prepared under subsection (b)
 11 must be:

12 (1) sent by certified mail to; or

13 (2) personally served on;

14 the owner or person possessing the real estate. The certified statement
 15 must be mailed to the auditor of state for any real estate owned by the
 16 state or to the fiscal officer of another municipality (as defined in
 17 IC 5-11-1-16) for real estate owned by the municipality. The statement
 18 must request that the person pay the cost of performing the service
 19 under subsection (b) to the weed control board.

20 (d) If the owner or person in possession of the property does not pay
 21 the amount set forth in the statement within ten (10) days after
 22 receiving the notice under subsection (c), the weed control board shall
 23 file a copy of the certified statement in the office of the county auditor
 24 of the county where the real estate is located.

25 (e) The auditor shall place the amount claimed in the certified
 26 statement on the tax duplicate of the real estate. Except as provided in
 27 subsections (g) through (i), the amount claimed shall be collected as
 28 taxes are collected.

29 (f) After an amount described in subsection (e) is collected, the
 30 funds must be deposited in the weed control board fund, if one has
 31 been established by the county, for use at the discretion of the weed
 32 control board. If a weed control board fund has not been established by
 33 the county, the funds collected must be deposited in the county general
 34 fund.

35 (g) This subsection applies to real estate owned by the state. The
 36 auditor of state shall issue a warrant to pay the amount set forth in the
 37 certified statement of costs for real estate owned by the state and shall
 38 charge the appropriate fund for the amount.

39 (h) This subsection applies to real estate owned by a municipality
 40 (as defined in IC 5-11-1-16). The fiscal officer of the municipality shall
 41 make the necessary appropriation from the appropriate fund to pay the
 42 weed control board the amount set forth in the certified statement of

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1 costs for real estate owned by the municipality.
2 (i) This subsection applies to real estate that is exempt from
3 property taxation. The owner of the tax exempt real estate shall pay the
4 amount set forth in the certified statement of costs for the tax exempt
5 real estate. If the owner of the tax exempt real estate fails to pay the
6 amount required by this chapter, the owner is ineligible for the property
7 tax exemption, and the state board of tax commissioners shall deny the
8 property tax exemption for the real estate.

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