



February 2, 2004

HOUSE BILL No. 1141

DIGEST OF HB 1141 (Updated January 28, 2004 5:12 pm - DI 108)

Citations Affected: IC 36-9; noncode.

Synopsis: Sewer liens on rental property. Requires a municipality that operates a sewage works to notify the owner of the property when a sewer fee is not paid within 30 days of the date the fee is due.

Effective: July 1, 2004.

Kersey, Thomas

January 13, 2004, read first time and referred to Committee on Local Government.
February 2, 2004, amended, reported — Do Pass.

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HB 1141—LS 7123/DI 103+



February 2, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1141



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 36-9-23-28, AS AMENDED BY P.L.2-2002,
 2 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2004]: Sec. 28. (a) The legislative body of a
 4 municipality that operates sewage works under this chapter may, by
 5 ordinance, require the owners, lessees, or users of property served by
 6 the works to pay a deposit to ensure payment of sewer fees.
 7 (b) The deposit required may not exceed the estimated average
 8 payment due from the property served by the sewage works for a three
 9 (3) month period. The deposit must be retained in a separate fund.
 10 (c) The deposit, less any outstanding penalties and service fees,
 11 shall be refunded to the depositor after a notarized statement from the
 12 depositor that as of a certain date the property being served:
 13 (1) has been conveyed or transferred to another person; or
 14 (2) no longer uses or is connected with any part of the municipal
 15 sewage system.
 16 A statement under subdivision (1) must include the name and address
 17 of the person to whom the property is conveyed or transferred.

HB 1141—LS 7123/DI 103+



1 (d) If a depositor fails to satisfy costs and fees within sixty (60) days
2 after the termination of ~~his~~ **the depositor's** use or ownership of the
3 property served, ~~he~~ **the depositor** forfeits ~~his~~ **the depositor's** deposit
4 and all accrued interest. The forfeited amount shall be applied to the
5 depositor's outstanding fees. Any excess that remains due after
6 application of the forfeiture may be collected in the manner prescribed
7 by section 31 or 32 of this chapter.

8 (e) A deposit may be used to satisfy all or part of any judgment
9 awarded the municipality under section 31 of this chapter.

10 (f) A deposit made under this section that has remained unclaimed
11 by the depositor for more than seven (7) years after the termination of
12 the services for which the deposit was made becomes the property of
13 the municipality. IC 32-34-1 (unclaimed property) does not apply to a
14 deposit described in this subsection.

15 **(g) When an owner, a lessee, or a user:**
16 **(1) of property served by a municipal sewer works; and**
17 **(2) who is responsible for payment of a sewer fee under this**
18 **chapter;**
19 **fails to pay a fee within thirty (30) days after the date a fee is due,**
20 **the municipality must provide notice regarding the amount of the**
21 **unpaid fee to the owner of the property not less than sixty (60) days**
22 **after the date the fee is due.**

23 SECTION 2. [EFFECTIVE JULY 1, 2004] Notwithstanding
24 IC 36-9-23-28, as amended by this act, beginning January 1, 2005,
25 a municipality shall carry out the duties imposed on the
26 municipality under IC 36-9-23-28, as amended by this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1141, 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, delete lines 1 through 14.

Page 2, line 1, reset in roman "may,".

Page 2, line 1, delete "shall,".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"(g) When an owner, a lessee, or a user:

(1) of property served by a municipal sewer works; and

(2) who is responsible for payment of a sewer fee under this chapter;

fails to pay a fee within thirty (30) days after the date a fee is due, the municipality must provide notice regarding the amount of the unpaid fee to the owner of the property not less than sixty (60) days after the date the fee is due."

Page 2, delete lines 29 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2004] Notwithstanding IC 36-9-23-28, as amended by this act, beginning January 1, 2005, a municipality shall carry out the duties imposed on the municipality under IC 36-9-23-28, as amended by this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1141 as introduced.)

MOSES, Chair

Committee Vote: yeas 12, nays 0.

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