

SENATE BILL No. 368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-21-3-12.

Synopsis: Donations to foundations by solid waste districts. Permits a solid waste management district to contribute certain funds to a nonprofit foundation. Corrects a conflict between two statutes enacted by the 1997 general assembly.

Effective: July 1, 1998.

Weatherwax

January 8, 1998, read first time and referred to Committee on Finance.

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Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE BILL No. 368



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

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

- 1 SECTION 1. IC 13-21-3-12, AS AMENDED BY P.L.45-1997,
- 2 SECTION 13, AND P.L.6-1997, SECTION 155, IS CORRECTED
- 3 AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 1998]: Sec. 12. Except as provided in section 14.5 of this chapter,
- 5 the powers of a district include the following:
- 6 (1) The power to develop and implement a district solid waste
- 7 management plan under IC 13-21-5.
- 8 (2) The power to impose district fees on the final disposal of solid
- 9 waste within the district under IC 13-21-13.
- 10 (3) The power to receive and disburse money, *if the primary*
- 11 *purpose of activities undertaken under this subdivision is to carry*
- 12 *out the provisions of this article.*
- 13 (4) The power to sue and be sued.
- 14 (5) The power to plan, design, construct, finance, manage, own,
- 15 lease, operate, and maintain facilities for solid waste
- 16 management.
- 17 (6) The power to enter with any person into a contract or an



1 agreement that is necessary or incidental to the management of
 2 solid waste. Contracts or agreements that may be entered into
 3 under this subdivision include those for the following:

- 4 (A) The design, construction, operation, financing, ownership,
 5 or maintenance of facilities by the district or any other person.
 6 (B) The managing or disposal of solid waste.
 7 (C) The sale or other disposition of materials or products
 8 generated by a facility.

9 Notwithstanding any other statute, the maximum term of a
 10 contract or an agreement described in this subdivision may not
 11 exceed forty (40) years.

12 (7) The power to enter into agreements for the leasing of facilities
 13 in accordance with IC 36-1-10 or IC 36-9-30.

14 (8) The power to purchase, lease, or otherwise acquire real or
 15 personal property for the management or disposal of solid waste.

16 (9) The power to sell or lease any facility or part of a facility to
 17 any person.

18 (10) The power to make and contract for plans, surveys, studies,
 19 and investigations necessary for the management or disposal of
 20 solid waste.

21 (11) The power to enter upon property to make surveys,
 22 soundings, borings, and examinations.

23 (12) The power to:

- 24 (A) accept gifts, grants, loans of money, other property, or
 25 services from any source, public or private; and
 26 (B) comply with the terms of the gift, grant, or loan.

27 (13) The power to levy a tax within the district to pay costs of
 28 operation in connection with solid waste management, subject to
 29 the following:

- 30 (A) Regular budget and tax levy procedures.
 31 (B) Section 16 of this chapter.

32 However, except as provided in section 15 of this chapter, a
 33 property tax rate imposed under this article may not exceed
 34 ~~twenty-five cents (\$0.25)~~ *eight and thirty-three hundredths cents*
 35 *(\$0.0833)* on each one hundred dollars (\$100) of assessed
 36 valuation of property in the district.

37 (14) The power to borrow in anticipation of taxes.

38 (15) The power to hire the personnel necessary for the
 39 management or disposal of solid waste in accordance with an
 40 approved budget and to contract for professional services.

41 (16) The power to otherwise do all things necessary for the:

- 42 (A) reduction, management, and disposal of solid waste; and

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1 (B) recovery of waste products from the solid waste stream;
 2 *if the primary purpose of activities undertaken under this*
 3 *subdivision is to carry out the provisions of this article.*

4 (17) The power to adopt resolutions that have the force of law.
 5 However, a resolution is not effective in a municipality unless the
 6 municipality adopts the language of the resolution by ordinance
 7 or resolution.

8 (18) The power to do the following:

9 (A) Implement a household hazardous waste and conditionally
 10 exempt small quantity generator (as described in 40 CFR
 11 261.5(a)) collection and disposal project.

12 (B) Apply for a household hazardous waste collection and
 13 disposal project grant under IC 13-20-20 and carry out all
 14 commitments contained in a grant application.

15 (C) Establish and maintain a program of self-insurance for a
 16 household hazardous waste and conditionally exempt small
 17 quantity generator (as described in 40 CFR 261.5(a))
 18 collection and disposal project, so that at the end of the
 19 district's fiscal year the unused and unencumbered balance of
 20 appropriated money reverts to the district's general fund only
 21 if the district's board specifically provides by resolution to
 22 discontinue the self-insurance fund.

23 (D) Apply for a household hazardous waste project grant as
 24 described in IC 13-20-22-2 and carry out all commitments
 25 contained in a grant application.

26 (19) The power to enter into an interlocal cooperation agreement
 27 under IC 36-1-7 to obtain:

- 28 (A) fiscal;
- 29 (B) administrative;
- 30 (C) managerial; or
- 31 (D) operational;

32 services from a county or municipality.

33 (20) The power to compensate advisory committee members for
 34 attending meetings at a rate determined by the board.

35 (21) The power to reimburse board and advisory committee
 36 members for travel and related expenses at a rate determined by
 37 the board.

38 (22) In a joint district, the power to pay a fee from district money
 39 to the counties in the district in which a final disposal facility is
 40 located.

41 (23) The power to make grants or loans of:

- 42 (A) money;

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- 1 (B) property; or
 2 (C) services;
 3 to public or private recycling programs, composting programs, or
 4 any other programs that reuse any component of the waste stream
 5 as a material component of another product, *if the primary*
 6 *purpose of activities undertaken under this subdivision is to carry*
 7 *out the provisions of this article.*
 8 (24) The power to establish by resolution a nonreverting capital
 9 fund. A district's board may appropriate money in the fund for:
 10 (A) equipping;
 11 (B) expanding;
 12 (C) modifying; or
 13 (D) remodeling;
 14 an existing facility. Expenditures from a capital fund established
 15 under this subdivision must further the goals and objectives
 16 contained in a district's solid waste management plan. Not more
 17 than five percent (5%) of the district's total annual budget for the
 18 year may be transferred to the capital fund that year. The balance
 19 in the capital fund may not exceed twenty-five percent (25%) of
 20 the district's total annual budget. If a district's board determines
 21 by resolution that a part of a capital fund will not be needed to
 22 further the goals and objectives contained in the district's solid
 23 waste management plan, that part of the capital fund may be
 24 transferred to the district's general fund, to be used to offset
 25 tipping fees, property tax revenues, or both tipping fees and
 26 property tax revenues.
 27 (25) The power to conduct promotional or educational programs
 28 that include giving awards and incentives that further the district's
 29 solid waste management plan.
 30 **(26) The power to contribute funds to a nonprofit foundation**
 31 **to be invested by the foundation, if proceeds of the investment**
 32 **are used primarily for activities that carry out this article.**

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