

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1136 be amended to read as follows:

- 1 Page 2, after line 39, begin a new paragraph and insert:
2 "SECTION 2. IC 13-11-2-57.1 IS ADDED TO THE INDIANA
3 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
4 [EFFECTIVE JULY 1, 1998]:**Sec.57.1. "Disposal fee", for purposes**
5 **of IC 13-20-23, means a fee levied on the disposal of municipal**
6 **waste in exchange for permission to construct or operate a landfill**
7 **under a host agreement.**
8 SECTION 3. IC 13-11-2-102.6 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
10 [EFFECTIVE JULY 1, 1998]: **Sec.102.6. "Host agreement", for**
11 **purposes of IC 13-20-23, means a valid and enforceable agreement**
12 **entered into between a county and another person for the payment**
13 **of a disposal fee in exchange for the county's permission to**
14 **construct or operate a landfill.**
15 SECTION 4. IC 13-11-2-116, AS ADDED BY P.L.1-1996,
16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 1998]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2,
18 means a solid waste disposal facility at which solid waste is deposited
19 on or beneath the surface of the ground as an intended place of final
20 location.
21 (b) "Landfill", for purposes of IC 13-20-11 **and IC 13-20-23,**
22 means a facility operated under a permit issued under IC 13-15-3 or
23 IC 13-7-10 (before its repeal) at which solid waste is disposed of by
24 placement on or under the surface of the ground.
25 (c) "Landfill", for purposes of IC 13-21, means a solid waste
26 management disposal facility at which solid waste is deposited on or in
27 the ground as an intended place of final location. The term does not
28 include the following:
29 (1) A site that is devoted solely to receiving one (1) or more of
30 the following:
31 (A) Fill dirt.
32 (B) Vegetative matter subject to disposal as a result of:

- 1 (i) landscaping;
- 2 (ii) yard maintenance;
- 3 (iii) land clearing; or
- 4 (iv) any combination of activities referred to in this
- 5 clause.

6 (2) A facility receiving waste that is regulated under the
7 following:

- 8 (A) IC 13-22-1 through IC 13-22-8.
- 9 (B) IC 13-22-13 through IC 13-22-14.

10 SECTION 5. IC 13-11-2-133, AS ADDED BY P.L.1-1996,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 1998]: Sec. 133. (a) "Municipal waste", for purposes of:

- 13 (1) IC 13-20-4;
- 14 (2) IC 13-20-6;
- 15 (3) IC 13-20-21;
- 16 **(4) IC 13-20-23;**
- 17 ~~(4)~~ **(5)** IC 13-22-1 through IC 13-22-8; and
- 18 ~~(5)~~ **(6)** IC 13-22-13 through IC 13-22-14;

19 means any garbage, refuse, industrial lunchroom or office waste, and
20 other material resulting from the operation of residential, municipal,
21 commercial, or institutional establishments and community activities.

22 (b) The term does not include the following:

- 23 (1) Special waste (as defined in 329 IAC 2-21-1, as in effect on
- 24 January 1, 1990).
- 25 (2) Hazardous waste regulated under:
 - 26 (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13
 - 27 through IC 13-22-14; or
 - 28 (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901
 - 29 et seq.), as in effect on January 1, 1990.
- 30 (3) Infectious waste (as defined in IC 16-41-16-4).
- 31 (4) Wastes that result from the combustion of coal and that are
- 32 referred to in IC 13-19-3-3.

33 (5) Materials that are being transported to a facility for
34 reprocessing or reuse.

35 (c) As used in subsection (b)(5), "reprocessing or reuse" does not
36 include either of the following:

- 37 (1) Incineration.
- 38 (2) Placement in a landfill.

39 SECTION 6. IC 13-20-23 IS ADDED TO THE INDIANA CODE
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 1998]:

42 **Chapter 23. Municipal Waste Disposal Fees**

43 **Sec. 1. This chapter applies to townships located in a county**
44 **having a population of more than two hundred thousand (200,000)**
45 **but less than three hundred thousand (300,000).**

46 **Sec. 2. A township that has one (1) of the following**
47 **populations and meets the requirements of section 3 of this chapter**
48 **is entitled to receive the following percentage of disposal fees paid**
49 **to the county in which the township is located:**

50 Township Population	Percentage
51 More than 1,700 but less than 1,800	8%

- 1 **More than 3,300 but less than 3,500 6%**
- 2 **More than 59,000 but less than 63,000 6%**
- 3 **Sec. 3. To receive funds under section 2 of this chapter, the**
- 4 **fiscal body of a township must do both of the following:**
- 5 **(1) Adopt a resolution that:**
 - 6 **(A) identifies the host agreement that is the subject of**
 - 7 **the resolution;**
 - 8 **(B) states that the township has elected to exercise its**
 - 9 **entitlement under section 2 of this chapter;**
 - 10 **(C) states the percentage of the disposal fees the**
 - 11 **township elects to receive; and**
 - 12 **(D) specifies that the disposal fees will be used to provide**
 - 13 **fire services within the township.**
- 14 **(2) File the resolution with the county auditor.**
- 15 **Sec. 4. (a) Not more than thirty (30) days after the date a**
- 16 **county auditor receives a resolution filed under section 3(2) of this**
- 17 **chapter, the county auditor shall review the resolution for**
- 18 **compliance with the requirements of sections 2 and 3 of this**
- 19 **chapter. If the resolution meets all of the requirements, the county**
- 20 **auditor shall:**
 - 21 **(1) inform the county fiscal body and the township fiscal**
 - 22 **body;**
 - 23 **(2) accrue disposal fees from the date the resolution is**
 - 24 **determined to be in compliance with sections 2 and 3 of**
 - 25 **this chapter under this subsection or subsection (b); and**
 - 26 **(3) disburse the accrued disposal fees to the township, in**
 - 27 **the amount requested, on a quarterly basis.**
- 28 **(b) If the county auditor fails to make a determination**
- 29 **concerning a resolution within the time allotted under subsection**
- 30 **(a):**
 - 31 **(1) the resolution is deemed to be in compliance with the**
 - 32 **requirements of sections 2 and 3 of this chapter; and**
 - 33 **(2) the county auditor shall comply with subsection (a)."**

(Reference is to EHB 1136 as printed February 13, 1998.)

Senator K. ADAMS