

January 30, 1998

SENATE BILL No. 471

DIGEST OF SB0471 (Updated January 28, 1998 6:27 pm - DI 87)

Citations Affected: IC 13-11-2; IC 13-20-23.

Synopsis: Landfill disposal fees. Establishes the conditions under which a township in St. Joseph County may receive a specified percentage of landfill disposal fees: (1) paid to the county under a host agreement; and (2) to be used by the township to provide fire services within the township.

Effective: July 1, 1998.

K. Adams

January 14, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.
January 29, 1998, reported favorably — Do Pass.

C
o
p
y

SB 471—LS 6300/DI 69



January 30, 1998

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

C
O
P
Y

SENATE BILL No. 471



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 13-11-2-57.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 57.1. "Disposal fee", for purposes**
4 **of IC 13-20-23, means a fee levied on the disposal of municipal**
5 **waste in exchange for permission to construct or operate a landfill**
6 **under a host agreement.**

7 SECTION 2. IC 13-11-2-102.6 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 1998]: **Sec. 102.6. "Host agreement", for**
10 **purposes of IC 13-20-23, means a valid and enforceable agreement**
11 **entered into between a county and another person for the payment**
12 **of a disposal fee in exchange for the county's permission to**
13 **construct or operate a landfill.**

14 SECTION 3. IC 13-11-2-116, AS ADDED BY P.L.1-1996,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 1998]: **Sec. 116. (a) "Landfill", for purposes of IC 13-20-2,**
17 **means a solid waste disposal facility at which solid waste is deposited**

SB 471—LS 6300/DI 69



1 on or beneath the surface of the ground as an intended place of final
2 location.

3 (b) "Landfill", for purposes of IC 13-20-11 **and IC 13-20-23**, means
4 a facility operated under a permit issued under IC 13-15-3 or
5 IC 13-7-10 (before its repeal) at which solid waste is disposed of by
6 placement on or under the surface of the ground.

7 (c) "Landfill", for purposes of IC 13-21, means a solid waste
8 management disposal facility at which solid waste is deposited on or in
9 the ground as an intended place of final location. The term does not
10 include the following:

11 (1) A site that is devoted solely to receiving one (1) or more of the
12 following:

13 (A) Fill dirt.

14 (B) Vegetative matter subject to disposal as a result of:

15 (i) landscaping;

16 (ii) yard maintenance;

17 (iii) land clearing; or

18 (iv) any combination of activities referred to in this clause.

19 (2) A facility receiving waste that is regulated under the
20 following:

21 (A) IC 13-22-1 through IC 13-22-8.

22 (B) IC 13-22-13 through IC 13-22-14.

23 SECTION 4. IC 13-11-2-133, AS ADDED BY P.L.1-1996,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 1998]: Sec. 133. (a) "Municipal waste", for purposes of:

26 (1) IC 13-20-4;

27 (2) IC 13-20-6;

28 (3) IC 13-20-21;

29 **(4) IC 13-20-23;**

30 ~~(5)~~ **(5)** IC 13-22-1 through IC 13-22-8; and

31 ~~(6)~~ **(6)** IC 13-22-13 through IC 13-22-14;

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

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

36 (1) Special waste (as defined in 329 IAC 2-21-1, as in effect on
37 January 1, 1990).

38 (2) Hazardous waste regulated under:

39 (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through
40 IC 13-22-14; or

41 (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et
42 seq.), as in effect on January 1, 1990.

C
O
P
Y



1 (3) Infectious waste (as defined in IC 16-41-16-4).

2 (4) Wastes that result from the combustion of coal and that are
3 referred to in IC 13-19-3-3.

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

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

8 (1) Incineration.

9 (2) Placement in a landfill.

10 SECTION 5. IC 13-20-23 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 1998]:

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

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

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

21 Township Population	Percentage
22 More than 1,700 but less than 1,800	8%
23 More than 3,300 but less than 3,500	6%
24 More than 59,000 but less than 63,000	6%

25 **Sec. 3. To receive funds under section 2 of this chapter, the fiscal
26 body of a township must do both of the following:**

27 (1) Adopt a resolution that:

28 (A) identifies the host agreement that is the subject of the
29 resolution;

30 (B) states that the township has elected to exercise its
31 entitlement under section 2 of this chapter;

32 (C) states the percentage of the disposal fees the township
33 elects to receive; and

34 (D) specifies that the disposal fees will be used to provide
35 fire services within the township.

36 (2) File the resolution with the county auditor.

37 **Sec. 4. (a) Not more than thirty (30) days after the date a county
38 auditor receives a resolution filed under section 3(2) of this
39 chapter, the county auditor shall review the resolution for
40 compliance with the requirements of sections 2 and 3 of this
41 chapter. If the resolution meets all of the requirements, the county
42 auditor shall:**



C
O
P
Y

- 1 **(1) inform the county fiscal body and the township fiscal**
- 2 **body;**
- 3 **(2) accrue disposal fees from the date the resolution is**
- 4 **determined to be in compliance with sections 2 and 3 of this**
- 5 **chapter under this subsection or subsection (b); and**
- 6 **(3) disburse the accrued disposal fees to the township, in the**
- 7 **amount requested, on a quarterly basis.**
- 8 **(b) If the county auditor fails to make a determination**
- 9 **concerning a resolution within the time allotted under subsection**
- 10 **(a):**
- 11 **(1) the resolution is deemed to be in compliance with the**
- 12 **requirements of sections 2 and 3 of this chapter; and**
- 13 **(2) the county auditor shall comply with subsection (a).**

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill 471, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 471 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
o
p
y

