



March 30, 1999

**ENGROSSED
HOUSE BILL No. 1764**

DIGEST OF HB1764 (Updated March 24, 1999 3:32 pm - DI 94)

Citations Affected: IC 36-9.

Synopsis: Solid waste funds. Adds mowing services to the operation costs that may be paid by a tax levied by the Indianapolis board of public works on the solid waste special service district.

Effective: July 1, 1999.

Mahern, Behning
(SENATE SPONSORS — CLARK, BREAUX)

January 26, 1999, read first time and referred to Committee on Environmental Affairs.
February 24, 1999, reported — Do Pass.
March 1, 1999, read second time, ordered engrossed. Engrossed.
March 3, 1999, read third time, passed. Yeas 93, nays 5.

SENATE ACTION

March 8, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.
March 29, 1999, reported favorably — Do Pass.

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EH 1764—LS 7123/DI 87+



March 30, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1764

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 36-9-31-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. In order to provide
3 for the collection and disposal of waste in the consolidated city and for
4 the management, operation, acquisition, and financing of facilities for
5 waste disposal, the board may exercise the following powers on behalf
6 of the city, in addition to the powers specifically set forth elsewhere in
7 this chapter:
8 (1) To sue and be sued.
9 (2) To exercise the power of eminent domain as provided in
10 IC 32-11 within the corporate boundaries of the city; however, the
11 power of eminent domain may not be exercised to acquire the
12 property of any public utility used for the production or
13 distribution of energy.
14 (3) To provide for the collection of waste accumulated within the
15 service district and to provide for disposal of waste accumulated
16 within the waste disposal district, including contracting with

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- 1 persons for collection, disposal, or waste storage, and the recovery
2 of byproducts from waste, and granting these persons the right to
3 collect and dispose of any such wastes and store and recover
4 byproducts from them.
- 5 (4) To plan, design, construct, finance, manage, own, lease,
6 operate, and maintain facilities for waste disposal.
- 7 (5) To enter into all contracts or agreements necessary or
8 incidental to the collection, disposal, or recovery of byproducts
9 from waste, such as put or pay contracts, contracts and
10 agreements for the design, construction, operation, financing,
11 ownership, or maintenance of facilities or the processing or
12 disposal of waste or the sale or other disposition of any products
13 generated by a facility. Notwithstanding any other statute, any
14 such contract or agreement may be for a period not to exceed forty
15 (40) years.
- 16 (6) To enter into agreements for the leasing of facilities in
17 accordance with IC 36-1-10; however, any such agreement having
18 an original term of five (5) or more years is subject to approval by
19 the state board of tax commissioners under IC 6-3.5. Such an
20 agreement may be executed before approval, but if the state board
21 of tax commissioners does not approve the agreement, it is void.
- 22 (7) To purchase, lease, or otherwise acquire real or personal
23 property.
- 24 (8) To contract for architectural, engineering, legal, or other
25 professional services.
- 26 (9) To exclusively control, within the city, the collection,
27 transportation, storage, and disposal of waste and, subject to the
28 provisions of sections 6 and 8 of this chapter, to fix fees in
29 connection with these matters.
- 30 (10) To determine exclusively the location and character of any
31 facility, subject to local zoning ordinances and environmental
32 management laws (as defined in IC 13-11-2-71).
- 33 (11) To sell or lease to any person any facility or part of it.
- 34 (12) To make and contract for plans, surveys, studies, and
35 investigations.
- 36 (13) To enter upon property to make surveys, soundings, borings,
37 and examinations.
- 38 (14) To accept gifts, grants, or loans of money, other property, or
39 services from any source, public or private, and to comply with
40 their terms.
- 41 (15) To issue from time to time waste disposal district bonds to
42 finance the cost of facilities as provided in section 9 of this

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- 1 chapter.
- 2 (16) To issue from time to time revenue bonds to finance the cost
- 3 of facilities as provided in section 10 of this chapter.
- 4 (17) To issue from time to time waste disposal development
- 5 bonds to finance the cost of facilities as provided in section 11 of
- 6 this chapter.
- 7 (18) To issue from time to time notes in anticipation of grants or
- 8 in anticipation of the issuance of bonds to finance the cost of
- 9 facilities as provided in section 13 of this chapter.
- 10 (19) To establish fees for the collection and disposal of waste,
- 11 subject to the provisions of sections 6 and 8 of this chapter.
- 12 (20) To levy a tax within the service district to pay costs of
- 13 operation in connection with waste collection, waste disposal,
- 14 **mowing services**, and animal control, subject to regular budget
- 15 and tax levy procedures. **For purposes of this subdivision,**
- 16 **"mowing services" refers only to mowing services for**
- 17 **rights-of-way or on vacant property.**
- 18 (21) To levy a tax within the waste disposal district to pay costs
- 19 of operation in connection with waste disposal, subject to regular
- 20 budget and tax levy procedures.
- 21 (22) To borrow in anticipation of taxes.
- 22 (23) To employ staff engineers, clerks, secretaries, and other
- 23 employees in accordance with an approved budget.
- 24 (24) To issue requests for proposals and requests for
- 25 qualifications as provided in section 4 of this chapter.
- 26 (25) To require all persons located within the service district or
- 27 waste disposal district to deposit waste at sites designated by the
- 28 board.
- 29 (26) To otherwise do all things necessary for the collection and
- 30 disposal of waste and the recovery of byproducts from it.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1764, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1764, 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 House Bill 1764 as printed February 25, 1999.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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