

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 2076 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning the
- 3 environment and civil procedure.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 13-21-3-12 (CURRENT VERSION) IS
- 7 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
- 8 Sec. 12. Except as provided in section 14.5 of this chapter, the powers
- 9 of a district include the following:
- 10 (1) The power to develop and implement a district solid waste
- 11 management plan under IC 13-21-5.
- 12 (2) The power to impose district fees on the final disposal of
- 13 solid waste within the district under IC 13-21-13.
- 14 (3) The power to receive and disburse money, if the primary
- 15 purpose of activities undertaken under this subdivision is to
- 16 carry out the provisions of this article.
- 17 (4) The power to sue and be sued.
- 18 (5) The power to plan, design, construct, finance, manage, own,
- 19 lease, operate, and maintain facilities for solid waste
- 20 management.
- 21 (6) The power to enter with any person into a contract or an
- 22 agreement that is necessary or incidental to the management of
- 23 solid waste. Contracts or agreements that may be entered into
- 24 under this subdivision include those for the following:

- 1 (A) The design, construction, operation, financing,
- 2 ownership, or maintenance of facilities by the district or any
- 3 other person.
- 4 (B) The managing or disposal of solid waste.
- 5 (C) The sale or other disposition of materials or products
- 6 generated by a facility.
- 7 Notwithstanding any other statute, the maximum term of a
- 8 contract or an agreement described in this subdivision may not
- 9 exceed forty (40) years.
- 10 (7) The power to enter into agreements for the leasing of
- 11 facilities in accordance with IC 36-1-10 or IC 36-9-30.
- 12 (8) The power to purchase, lease, or otherwise acquire real or
- 13 personal property for the management or disposal of solid waste.
- 14 (9) The power to sell or lease any facility or part of a facility to
- 15 any person.
- 16 (10) The power to make and contract for plans, surveys, studies,
- 17 and investigations necessary for the management or disposal of
- 18 solid waste.
- 19 (11) The power to enter upon property to make surveys,
- 20 soundings, borings, and examinations.
- 21 (12) The power to:
- 22 (A) accept gifts, grants, loans of money, other property, or
- 23 services from any source, public or private; and
- 24 (B) comply with the terms of the gift, grant, or loan.
- 25 (13) The power to levy a tax within the district to pay costs of
- 26 operation in connection with solid waste management, subject to
- 27 the following:
- 28 (A) Regular budget and tax levy procedures.
- 29 (B) Section 16 of this chapter.
- 30 However, except as provided in section 15 of this chapter, a
- 31 property tax rate imposed under this article may not exceed
- 32 twenty-five cents (\$.25) on each one hundred dollars (\$100) of
- 33 assessed valuation of property in the district.
- 34 (14) The power to borrow in anticipation of taxes.
- 35 (15) The power to hire the personnel necessary for the
- 36 management or disposal of solid waste in accordance with an
- 37 approved budget and to contract for professional services.
- 38 (16) The power to otherwise do all things necessary for the:
- 39 (A) reduction, management, and disposal of solid waste;
- 40 and
- 41 (B) recovery of waste products from the solid waste stream;
- 42 if the primary purpose of activities undertaken under this
- 43 subdivision is to carry out the provisions of this article.
- 44 (17) The power to adopt resolutions that have the force of law.
- 45 However, a resolution is not effective in a municipality **or**
- 46 **township** unless the municipality **or township** adopts the

- 1 language of the resolution by ordinance or resolution.
- 2 (18) The power to do the following:
- 3 (A) Implement a household hazardous waste and
- 4 conditionally exempt small quantity generator (as described
- 5 in 40 CFR 261.5(a)) collection and disposal project.
- 6 (B) Apply for a household hazardous waste collection and
- 7 disposal project grant under IC 13-20-20 and carry out all
- 8 commitments contained in a grant application.
- 9 (C) Establish and maintain a program of self-insurance for
- 10 a household hazardous waste and conditionally exempt
- 11 small quantity generator (as described in 40 CFR 261.5(a))
- 12 collection and disposal project, so that at the end of the
- 13 district's fiscal year the unused and unencumbered balance
- 14 of appropriated money reverts to the district's general fund
- 15 only if the district's board specifically provides by
- 16 resolution to discontinue the self-insurance fund.
- 17 (D) Apply for a household hazardous waste project grant as
- 18 described in IC 13-20-22-2 and carry out all commitments
- 19 contained in a grant application.
- 20 (19) The power to enter into an interlocal cooperation agreement
- 21 under IC 36-1-7 to obtain:
- 22 (A) fiscal;
- 23 (B) administrative;
- 24 (C) managerial; or
- 25 (D) operational;
- 26 services from a county or municipality.
- 27 (20) The power to compensate advisory committee members for
- 28 attending meetings at a rate determined by the board.
- 29 (21) The power to reimburse board and advisory committee
- 30 members for travel and related expenses at a rate determined by
- 31 the board.
- 32 (22) In a joint district, the power to pay a fee from district money
- 33 to the counties in the district in which a final disposal facility is
- 34 located.
- 35 (23) The power to make grants or loans of:
- 36 (A) money;
- 37 (B) property; or
- 38 (C) services;
- 39 to public or private recycling programs, composting programs,
- 40 or any other programs that reuse any component of the waste
- 41 stream as a material component of another product, if the
- 42 primary purpose of activities undertaken under this subdivision
- 43 is to carry out the provisions of this article.
- 44 (24) The power to establish by resolution a nonreverting capital
- 45 fund. A district's board may appropriate money in the fund for:
- 46 (A) equipping;

- 1 (B) expanding;
 2 (C) modifying; or
 3 (D) remodeling;
 4 an existing facility. Expenditures from a capital fund established
 5 under this subdivision must further the goals and objectives
 6 contained in a district's solid waste management plan. Not more
 7 than five percent (5%) of the district's total annual budget for the
 8 year may be transferred to the capital fund that year. The balance
 9 in the capital fund may not exceed twenty-five percent (25%) of
 10 the district's total annual budget. If a district's board determines
 11 by resolution that a part of a capital fund will not be needed to
 12 further the goals and objectives contained in the district's solid
 13 waste management plan, that part of the capital fund may be
 14 transferred to the district's general fund, to be used to offset
 15 tipping fees, property tax revenues, or both tipping fees and
 16 property tax revenues.
- 17 (25) The power to conduct promotional or educational programs
 18 that include giving awards and incentives that further the
 19 district's solid waste management plan.
- 20 SECTION 2. IC 13-21-3-12 (DELAYED VERSION) IS
 21 AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,
 22 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the
 23 powers of a district include the following:
- 24 (1) The power to develop and implement a district solid waste
 25 management plan under IC 13-21-5.
 26 (2) The power to impose district fees on the final disposal of
 27 solid waste within the district under IC 13-21-13.
 28 (3) The power to receive and disburse money, if the primary
 29 purpose of activities undertaken under this subdivision is to
 30 carry out the provisions of this article.
 31 (4) The power to sue and be sued.
 32 (5) The power to plan, design, construct, finance, manage, own,
 33 lease, operate, and maintain facilities for solid waste
 34 management.
 35 (6) The power to enter with any person into a contract or an
 36 agreement that is necessary or incidental to the management of
 37 solid waste. Contracts or agreements that may be entered into
 38 under this subdivision include those for the following:
- 39 (A) The design, construction, operation, financing,
 40 ownership, or maintenance of facilities by the district or any
 41 other person.
 42 (B) The managing or disposal of solid waste.
 43 (C) The sale or other disposition of materials or products
 44 generated by a facility.
- 45 Notwithstanding any other statute, the maximum term of a
 46 contract or an agreement described in this subdivision may not

- 1 exceed forty (40) years.
- 2 (7) The power to enter into agreements for the leasing of
3 facilities in accordance with IC 36-1-10 or IC 36-9-30.
- 4 (8) The power to purchase, lease, or otherwise acquire real or
5 personal property for the management or disposal of solid waste.
- 6 (9) The power to sell or lease any facility or part of a facility to
7 any person.
- 8 (10) The power to make and contract for plans, surveys, studies,
9 and investigations necessary for the management or disposal of
10 solid waste.
- 11 (11) The power to enter upon property to make surveys,
12 soundings, borings, and examinations.
- 13 (12) The power to:
- 14 (A) accept gifts, grants, loans of money, other property, or
15 services from any source, public or private; and
- 16 (B) comply with the terms of the gift, grant, or loan.
- 17 (13) The power to levy a tax within the district to pay costs of
18 operation in connection with solid waste management, subject to
19 the following:
- 20 (A) Regular budget and tax levy procedures.
- 21 (B) Section 16 of this chapter.
- 22 However, except as provided in section 15 of this chapter, a
23 property tax rate imposed under this article may not exceed eight
24 and thirty-three hundredths cents (\$0.0833) on each one hundred
25 dollars (\$100) of assessed valuation of property in the district.
- 26 (14) The power to borrow in anticipation of taxes.
- 27 (15) The power to hire the personnel necessary for the
28 management or disposal of solid waste in accordance with an
29 approved budget and to contract for professional services.
- 30 (16) The power to otherwise do all things necessary for the:
- 31 (A) reduction, management, and disposal of solid waste;
32 and
- 33 (B) recovery of waste products from the solid waste stream;
34 if the primary purpose of activities undertaken under this
35 subdivision is to carry out the provisions of this article.
- 36 (17) The power to adopt resolutions that have the force of law.
37 However, a resolution is not effective in a municipality **or**
38 **township** unless the municipality **or township** adopts the
39 language of the resolution by ordinance or resolution.
- 40 (18) The power to do the following:
- 41 (A) Implement a household hazardous waste and
42 conditionally exempt small quantity generator (as described
43 in 40 CFR 261.5(a)) collection and disposal project.
- 44 (B) Apply for a household hazardous waste collection and
45 disposal project grant under IC 13-20-20 and carry out all
46 commitments contained in a grant application.

- 1 (C) Establish and maintain a program of self-insurance for
 2 a household hazardous waste and conditionally exempt
 3 small quantity generator (as described in 40 CFR 261.5(a))
 4 collection and disposal project, so that at the end of the
 5 district's fiscal year the unused and unencumbered balance
 6 of appropriated money reverts to the district's general fund
 7 only if the district's board specifically provides by
 8 resolution to discontinue the self-insurance fund.
- 9 (D) Apply for a household hazardous waste project grant as
 10 described in IC 13-20-22-2 and carry out all commitments
 11 contained in a grant application.
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 13 under IC 36-1-7 to obtain:
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 15 (B) administrative;
 16 (C) managerial; or
 17 (D) operational;
- 18 services from a county or municipality.
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 20 attending meetings at a rate determined by the board.
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 22 members for travel and related expenses at a rate determined by
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 25 to the counties in the district in which a final disposal facility is
 26 located.
- 27 (23) The power to make grants or loans of:
- 28 (A) money;
 29 (B) property; or
 30 (C) services;
- 31 to public or private recycling programs, composting programs,
 32 or any other programs that reuse any component of the waste
 33 stream as a material component of another product, if the
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 35 is to carry out the provisions of this article.
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 44 contained in a district's solid waste management plan. Not more
 45 than five percent (5%) of the district's total annual budget for the
 46 year may be transferred to the capital fund that year. The balance

1 in the capital fund may not exceed twenty-five percent (25%) of
2 the district's total annual budget. If a district's board determines
3 by resolution that a part of a capital fund will not be needed to
4 further the goals and objectives contained in the district's solid
5 waste management plan, that part of the capital fund may be
6 transferred to the district's general fund, to be used to offset
7 tipping fees, property tax revenues, or both tipping fees and
8 property tax revenues.
9 (25) The power to conduct promotional or educational programs
10 that include giving awards and incentives that further the
11 district's solid waste management plan."
12 Renumber all SECTIONS consecutively.
(Reference is to HB 2076 as printed February 19, 1999.)

Representative Mangus