

# SENATE BILL No. 513

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3.5; IC 13-21-3-14.5.

**Synopsis:** Solid waste management districts. Provides that a resolution passed by a county fiscal body to approve a distribution to a solid waste management district under the laws concerning the county option income tax and the county adjusted gross income tax may: (1) expire on a date specified in the resolution; or (2) remain in effect until the county fiscal body revokes or rescinds the resolution. Provides that the law restricting the provision of waste management services by solid waste management districts does not apply to: (1) activities conducted as part of household hazardous waste collection and disposal projects; and (2) solid waste recycling, collection, or disposal projects that are conducted for not more than one day.

**Effective:** July 1, 1999.

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January 19, 1999, read first time and referred to Committee on Environmental Affairs.

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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.

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## SENATE BILL No. 513



A BILL FOR AN ACT to amend the Indiana Code concerning taxation and environmental law.

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

1 SECTION 1. IC 6-3.5-1.1-1.3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.3. (a) This section  
3 applies to a county solid waste management district (as defined in  
4 IC 13-11-2-47) or a joint solid waste management district (as defined  
5 in IC 13-11-2-113).

6 (b) A district may not receive a distribution under this chapter  
7 unless a majority of the members of each of the county fiscal bodies of  
8 the counties within the district passes a resolution approving the  
9 distribution.

10 (c) **A resolution passed by a county fiscal body under subsection**  
11 **(b) may:**

- 12 (1) **expire on a date specified in the resolution; or**
- 13 (2) **remain in effect until the county fiscal body revokes or**  
14 **rescinds the resolution.**

15 SECTION 2. IC 6-3.5-6-1.3 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.3. (a) This section  
17 applies to a county solid waste management district (as defined in



1 IC 13-11-2-47) or a joint solid waste management district (as defined  
2 in IC 13-11-2-113).

3 (b) A district may not receive a distribution under this chapter  
4 unless a majority of the members of each of the county fiscal bodies of  
5 the counties within the district passes a resolution approving the  
6 distribution.

7 (c) **A resolution passed by a county fiscal body under subsection  
8 (b) may:**

9 **(1) expire on a date specified in the resolution; or**

10 **(2) remain in effect until the county fiscal body revokes or  
11 rescinds the resolution.**

12 SECTION 3. IC 13-21-3-14.5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14.5. (a) This section  
14 does not apply to the following:

15 (1) The continuation of waste management services that a solid  
16 waste district provides with its facilities or work force before  
17 March 15, 1996.

18 (2) Waste management services provided to the district under an  
19 agreement entered into by the district before March 15, 1996,  
20 with another person until the agreement terminates by its terms or  
21 is terminated for cause.

22 (3) The development, operation, and contracting for the  
23 development or operation of a publicly owned solid waste landfill  
24 in a county having a population of more than one hundred seven  
25 thousand (107,000) but less than one hundred eight thousand  
26 (108,000). The operation of the landfill must have begun before  
27 July 1, 2001.

28 (4) A contract entered into between the board and a third party  
29 before May 1, 1997, for the development or operation of a solid  
30 waste landfill in a county having a population of more than four  
31 hundred thousand (400,000) but less than seven hundred thousand  
32 (700,000). The third party is limited to those parties that  
33 submitted proposals to the board under a formal request for  
34 proposals that were selected by the board, before December 1,  
35 1995, as finalists in the contract negotiations.

36 (5) A contract between a board and a third party to operate a  
37 facility that is owned by the district and for which construction  
38 was substantially complete before March 1, 1996.

39 **(6) Activities conducted as part of household hazardous waste  
40 (as defined in IC 13-11-2-104(a)) collection and disposal  
41 projects.**

42 **(7) Solid waste recycling, collection, or disposal projects that**

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- 1           **are conducted for not more than one (1) day.**
- 2           (b) Except as provided in subsection (c), a district may not:
- 3               (1) undertake to provide waste management services by means of
- 4               its own work force; or
- 5               (2) contract with any person to provide waste management
- 6               services.
- 7           (c) A district may perform the activities described in subsection (b),
- 8           if:
- 9               (1) the board is able to adopt a resolution under subsection (d);
- 10              and
- 11              (2) a private sector entity is not willing or able to provide waste
- 12              management services at a reasonable cost to the district or if
- 13              requested to do so by a unit of government that performs the
- 14              activities with the unit's work force.
- 15           (d) The board may adopt a resolution determining that the district
- 16           must either provide waste management services by means of its own
- 17           work force or contract with a person to provide waste management
- 18           services, only if the board finds that:
- 19               (1) the waste management service is not currently available in the
- 20               district at a reasonable cost; and
- 21               (2) providing the waste management service by means of its own
- 22               work force or by contract will benefit the public health, welfare,
- 23               and safety of residents of the district.
- 24           The board's determination must be supported with findings of fact.
- 25           (e) A district shall provide notice by publication under IC 5-3-1 and
- 26           at the time of publication serve by first class mail to any person that
- 27           delivers to the district an annual written request for notices before
- 28           January 1 of any meeting to consider adoption of a resolution making
- 29           a preliminary determination that it is necessary for the district to
- 30           undertake to provide waste management services by means of its own
- 31           work force or contract with any person to provide waste management
- 32           services.
- 33           (f) Whenever a district evaluates the reasonableness of cost under
- 34           this section, it shall:
- 35               (1) compare the cost of the same level of service provided in the
- 36               district or in similar demographic areas within Indiana; and
- 37               (2) if the district wishes to provide waste management services
- 38               with its own facilities or work force, the district must disclose the
- 39               entire cost of providing the service by the district, including the
- 40               following:
- 41                   (A) subsidies arising from taxes, fees, grants, or
- 42                   intergovernmental transfers;

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- 1 (B) in-kind contributions of real estate, interests in real estate,
- 2 equipment, personnel, or other assets;
- 3 (C) discounts; and
- 4 (D) tax exemptions.

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