



February 17, 1999

SENATE BILL No. 513

DIGEST OF SB 513 (Updated February 16, 1999 11:46 am - DI 78)

Citations Affected: IC 6-3.5; IC 13-21.

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. Prohibits districts from adopting or enforcing a resolution or ordinance establishing permits or licenses for: (1) siting or operation of a solid waste management facility not owned by the district; or (2) the collection and transportation of solid waste. Provides that the law restricting the provision of waste management services by districts does not apply to activities conducted as part of household hazardous waste collection and disposal projects. Allows a district to address multiple one day events in one resolution that allows the district to provide waste
(Continued next page)

Effective: July 1, 1999; March 1, 2001.

Gard

January 19, 1999, read first time and referred to Committee on Environmental Affairs.
February 16, 1999, amended, reported favorably — Do Pass.

SB 513—LS 7817/DI 69+



C
O
P
Y

Digest Continued

management services if the events all take place in the same year.

C
o
p
y

SB 513—LS 7817/DI 69+



February 17, 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.

C
O
P
Y

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

SB 513—LS 7817/DI 69+



1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.3. (a) This section
 2 applies to a county solid waste management district (as defined in
 3 IC 13-11-2-47) or a joint solid waste management district (as defined
 4 in IC 13-11-2-113).

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

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

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

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

14 SECTION 3. IC 13-21-3-12 (CURRENT VERSION) IS AMENDED
 15 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12.
 16 Except as provided in section 14.5 of this chapter, the powers of a
 17 district include the following:

18 (1) The power to develop and implement a district solid waste
 19 management plan under IC 13-21-5.

20 (2) The power to impose district fees on the final disposal of solid
 21 waste within the district under IC 13-21-13.

22 (3) The power to receive and disburse money, if the primary
 23 purpose of activities undertaken under this subdivision is to carry
 24 out the provisions of this article.

25 (4) The power to sue and be sued.

26 (5) The power to plan, design, construct, finance, manage, own,
 27 lease, operate, and maintain facilities for solid waste
 28 management.

29 (6) The power to enter with any person into a contract or an
 30 agreement that is necessary or incidental to the management of
 31 solid waste. Contracts or agreements that may be entered into
 32 under this subdivision include those for the following:

33 (A) The design, construction, operation, financing, ownership,
 34 or maintenance of facilities by the district or any other person.

35 (B) The managing or disposal of solid waste.

36 (C) The sale or other disposition of materials or products
 37 generated by a facility.

38 Notwithstanding any other statute, the maximum term of a
 39 contract or an agreement described in this subdivision may not
 40 exceed forty (40) years.

41 (7) The power to enter into agreements for the leasing of facilities
 42 in accordance with IC 36-1-10 or IC 36-9-30.

C
O
P
Y



- 1 (8) The power to purchase, lease, or otherwise acquire real or
 2 personal property for the management or disposal of solid waste.
 3 (9) The power to sell or lease any facility or part of a facility to
 4 any person.
 5 (10) The power to make and contract for plans, surveys, studies,
 6 and investigations necessary for the management or disposal of
 7 solid waste.
 8 (11) The power to enter upon property to make surveys,
 9 soundings, borings, and examinations.
 10 (12) The power to:
 11 (A) accept gifts, grants, loans of money, other property, or
 12 services from any source, public or private; and
 13 (B) comply with the terms of the gift, grant, or loan.
 14 (13) The power to levy a tax within the district to pay costs of
 15 operation in connection with solid waste management, subject to
 16 the following:
 17 (A) Regular budget and tax levy procedures.
 18 (B) Section 16 of this chapter.
 19 However, except as provided in section 15 of this chapter, a
 20 property tax rate imposed under this article may not exceed
 21 twenty-five cents (\$0.25) on each one hundred dollars (\$100) of
 22 assessed valuation of property in the district.
 23 (14) The power to borrow in anticipation of taxes.
 24 (15) The power to hire the personnel necessary for the
 25 management or disposal of solid waste in accordance with an
 26 approved budget and to contract for professional services.
 27 (16) The power to otherwise do all things necessary for the:
 28 (A) reduction, management, and disposal of solid waste; and
 29 (B) recovery of waste products from the solid waste stream;
 30 if the primary purpose of activities undertaken under this
 31 subdivision is to carry out the provisions of this article.
 32 (17) The power to adopt resolutions that have the force of law.
 33 However:
 34 (A) a resolution is not effective in a municipality unless the
 35 municipality adopts the language of the resolution by
 36 ordinance or resolution; **and**
 37 **(B) the district may not adopt a resolution or continue to**
 38 **enforce a resolution or an ordinance that establishes**
 39 **permits or licenses for the following:**
 40 **(i) The siting or operation of a solid waste management**
 41 **facility that is not owned by the district.**
 42 **(ii) The collection and transportation of solid waste.**



C
O
P
Y

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

COPY



1 (24) The power to establish by resolution a nonreverting capital
2 fund. A district's board may appropriate money in the fund for:

- 3 (A) equipping;
4 (B) expanding;
5 (C) modifying; or
6 (D) remodeling;

7 an existing facility. Expenditures from a capital fund established
8 under this subdivision must further the goals and objectives
9 contained in a district's solid waste management plan. Not more
10 than five percent (5%) of the district's total annual budget for the
11 year may be transferred to the capital fund that year. The balance
12 in the capital fund may not exceed twenty-five percent (25%) of
13 the district's total annual budget. If a district's board determines
14 by resolution that a part of a capital fund will not be needed to
15 further the goals and objectives contained in the district's solid
16 waste management plan, that part of the capital fund may be
17 transferred to the district's general fund, to be used to offset
18 tipping fees, property tax revenues, or both tipping fees and
19 property tax revenues.

20 (25) The power to conduct promotional or educational programs
21 that include giving awards and incentives that further the district's
22 solid waste management plan.

23 SECTION 4. IC 13-21-3-12 (DELAYED VERSION) IS
24 AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,
25 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the
26 powers of a district include the following:

- 27 (1) The power to develop and implement a district solid waste
28 management plan under IC 13-21-5.
29 (2) The power to impose district fees on the final disposal of solid
30 waste within the district under IC 13-21-13.
31 (3) The power to receive and disburse money, if the primary
32 purpose of activities undertaken under this subdivision is to carry
33 out the provisions of this article.
34 (4) The power to sue and be sued.
35 (5) The power to plan, design, construct, finance, manage, own,
36 lease, operate, and maintain facilities for solid waste
37 management.
38 (6) The power to enter with any person into a contract or an
39 agreement that is necessary or incidental to the management of
40 solid waste. Contracts or agreements that may be entered into
41 under this subdivision include those for the following:

- 42 (A) The design, construction, operation, financing, ownership,



C
O
P
Y

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

C
O
P
Y



- 1 (A) a resolution is not effective in a municipality unless the
 2 municipality adopts the language of the resolution by
 3 ordinance or resolution; **and**
 4 **(B) the district may not adopt a resolution or continue to**
 5 **enforce a resolution or an ordinance that establishes**
 6 **permits or licenses for the following:**
 7 (i) **The siting or operation of a solid waste management**
 8 **facility that is not owned by the district.**
 9 (ii) **The collection and transportation of solid waste.**
 10 (18) The power to do the following:
 11 (A) Implement a household hazardous waste and conditionally
 12 exempt small quantity generator (as described in 40 CFR
 13 261.5(a)) collection and disposal project.
 14 (B) Apply for a household hazardous waste collection and
 15 disposal project grant under IC 13-20-20 and carry out all
 16 commitments contained in a grant application.
 17 (C) Establish and maintain a program of self-insurance for a
 18 household hazardous waste and conditionally exempt small
 19 quantity generator (as described in 40 CFR 261.5(a))
 20 collection and disposal project, so that at the end of the
 21 district's fiscal year the unused and unencumbered balance of
 22 appropriated money reverts to the district's general fund only
 23 if the district's board specifically provides by resolution to
 24 discontinue the self-insurance fund.
 25 (D) Apply for a household hazardous waste project grant as
 26 described in IC 13-20-22-2 and carry out all commitments
 27 contained in a grant application.
 28 (19) The power to enter into an interlocal cooperation agreement
 29 under IC 36-1-7 to obtain:
 30 (A) fiscal;
 31 (B) administrative;
 32 (C) managerial; or
 33 (D) operational;
 34 services from a county or municipality.
 35 (20) The power to compensate advisory committee members for
 36 attending meetings at a rate determined by the board.
 37 (21) The power to reimburse board and advisory committee
 38 members for travel and related expenses at a rate determined by
 39 the board.
 40 (22) In a joint district, the power to pay a fee from district money
 41 to the counties in the district in which a final disposal facility is
 42 located.

C
O
P
Y

- 1 (23) The power to make grants or loans of:
 2 (A) money;
 3 (B) property; or
 4 (C) services;
 5 to public or private recycling programs, composting programs, or
 6 any other programs that reuse any component of the waste stream
 7 as a material component of another product, if the primary
 8 purpose of activities undertaken under this subdivision is to carry
 9 out the provisions of this article.
- 10 (24) The power to establish by resolution a nonreverting capital
 11 fund. A district's board may appropriate money in the fund for:
 12 (A) equipping;
 13 (B) expanding;
 14 (C) modifying; or
 15 (D) remodeling;
 16 an existing facility. Expenditures from a capital fund established
 17 under this subdivision must further the goals and objectives
 18 contained in a district's solid waste management plan. Not more
 19 than five percent (5%) of the district's total annual budget for the
 20 year may be transferred to the capital fund that year. The balance
 21 in the capital fund may not exceed twenty-five percent (25%) of
 22 the district's total annual budget. If a district's board determines
 23 by resolution that a part of a capital fund will not be needed to
 24 further the goals and objectives contained in the district's solid
 25 waste management plan, that part of the capital fund may be
 26 transferred to the district's general fund, to be used to offset
 27 tipping fees, property tax revenues, or both tipping fees and
 28 property tax revenues.
- 29 (25) The power to conduct promotional or educational programs
 30 that include giving awards and incentives that further the district's
 31 solid waste management plan.
- 32 SECTION 5. IC 13-21-3-14.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14.5. (a) This section
 34 does not apply to the following:
 35 (1) The continuation of waste management services that a solid
 36 waste district provides with its facilities or work force before
 37 March 15, 1996.
 38 (2) Waste management services provided to the district under an
 39 agreement entered into by the district before March 15, 1996,
 40 with another person until the agreement terminates by its terms or
 41 is terminated for cause.
 42 (3) The development, operation, and contracting for the

C
O
P
Y

1 development or operation of a publicly owned solid waste landfill
 2 in a county having a population of more than one hundred seven
 3 thousand (107,000) but less than one hundred eight thousand
 4 (108,000). The operation of the landfill must have begun before
 5 July 1, 2001.

6 (4) A contract entered into between the board and a third party
 7 before May 1, 1997, for the development or operation of a solid
 8 waste landfill in a county having a population of more than four
 9 hundred thousand (400,000) but less than seven hundred thousand
 10 (700,000). The third party is limited to those parties that
 11 submitted proposals to the board under a formal request for
 12 proposals that were selected by the board, before December 1,
 13 1995, as finalists in the contract negotiations.

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

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

20 (b) Except as provided in subsection (c), a district may not:

- 21 (1) undertake to provide waste management services by means of
 22 its own work force; or
 23 (2) contract with any person to provide waste management
 24 services.

25 (c) A district may perform the activities described in subsection (b),
 26 if:

- 27 (1) the board is able to adopt a resolution under subsection (d);
 28 and
 29 (2) a private sector entity is not willing or able to provide waste
 30 management services at a reasonable cost to the district or if
 31 requested to do so by a unit of government that performs the
 32 activities with the unit's work force.

33 (d) The board may adopt a resolution determining that the district
 34 must either provide waste management services by means of its own
 35 work force or contract with a person to provide waste management
 36 services, only if the board finds that:

- 37 (1) the waste management service is not currently available in the
 38 district at a reasonable cost; and
 39 (2) providing the waste management service by means of its own
 40 work force or by contract will benefit the public health, welfare,
 41 and safety of residents of the district.

42 The board's determination must be supported with findings of fact.

SB 513—LS 7817/DI 69+



C
O
P
Y

1 (e) A district shall provide notice by publication under IC 5-3-1 and
2 at the time of publication serve by first class mail to any person that
3 delivers to the district an annual written request for notices before
4 January 1 of any meeting to consider adoption of a resolution making
5 a preliminary determination that it is necessary for the district to
6 undertake to provide waste management services by means of its own
7 work force or contract with any person to provide waste management
8 services.

9 (f) Whenever a district evaluates the reasonableness of cost under
10 this section, it shall:

11 (1) compare the cost of the same level of service provided in the
12 district or in similar demographic areas within Indiana; and

13 (2) if the district wishes to provide waste management services
14 with its own facilities or work force, the district must disclose the
15 entire cost of providing the service by the district, including the
16 following:

17 (A) subsidies arising from taxes, fees, grants, or
18 intergovernmental transfers;

19 (B) in-kind contributions of real estate, interests in real estate,
20 equipment, personnel, or other assets;

21 (C) discounts; and

22 (D) tax exemptions.

23 **(g) A resolution adopted under subsection (d) may authorize a**
24 **district to perform more than one (1) solid waste recycling,**
25 **collection, or disposal event in the manner described in subsection**
26 **(b) if:**

27 **(1) the duration of each event authorized by the resolution is**
28 **not more than one (1) day; and**

29 **(2) all events authorized by the resolution will take place in**
30 **one (1) calendar year.**

C
O
P
Y



COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 513, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 13-21-3-12 (CURRENT VERSION) IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

SB 513—LS 7817/DI 69+



C
O
P
Y

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in section 15 of this chapter, a property tax rate imposed under this article may not exceed twenty-five cents (\$0.25) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law.

However:

(A) a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution; **and**

(B) the district may not adopt a resolution or continue to enforce a resolution or an ordinance that establishes permits or licenses for the following:

(i) The siting or operation of a solid waste management facility that is not owned by the district.

(ii) The collection and transportation of solid waste.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

C
O
P
Y



(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established

C
O
P
Y



under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

SECTION 3. IC 13-21-3-12 (DELAYED VERSION) IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.



C
O
P
Y

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in section 15 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law.

However:

(A) a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution; **and**

(B) the district may not adopt a resolution or continue to enforce a resolution or an ordinance that establishes permits or licenses for the following:

(i) The siting or operation of a solid waste management

C
O
P
Y



facility that is not owned by the district.

(ii) The collection and transportation of solid waste.

- (18) The power to do the following:
- (A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.
 - (B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.
 - (C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.
 - (D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.
- (19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:
- (A) fiscal;
 - (B) administrative;
 - (C) managerial; or
 - (D) operational;
- services from a county or municipality.
- (20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.
- (21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.
- (22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.
- (23) The power to make grants or loans of:
- (A) money;
 - (B) property; or
 - (C) services;
- to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary

C
O
P
Y



purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan."

Page 2, delete line 42.

Page 3, delete line 1.

Page 4, after line 4, begin a new paragraph and insert:

"(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:

- (1) the duration of each event authorized by the resolution is not more than one (1) day; and**
- (2) all events authorized by the resolution will take place in one (1) calendar year."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 513 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 1.

SB 513—LS 7817/DI 69+



COPY