



February 4, 2005

HOUSE BILL No. 1410

DIGEST OF HB 1410 (Updated February 1, 2005 11:26 am - DI 69)

Citations Affected: IC 5-11; IC 13-21.

Synopsis: Solid waste management districts. Extends the period in which a solid waste management district that owns its own landfill must file a report with the state board of accounts. Exempts a district from the requirement that the fiscal body of a county in which a district is located must approve the use of certain property tax revenue within the district if the district: (1) owns a landfill; (2) will use property tax revenue to construct a new landfill cell or close a landfill cell at the landfill; and (3) has received approval from the county fiscal body to construct or close the landfill cell.

Effective: July 1, 2005.

Yount, Koch, Messer

January 13, 2005, read first time and referred to Committee on Environmental Affairs.
February 3, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

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February 4, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1410

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

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

1 SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state examiner shall
3 require from every municipality and every state or local governmental
4 unit, entity, or instrumentality financial reports covering the full period
5 of each fiscal year. Except as provided by subsection (b), these reports
6 shall be prepared, verified, and filed with the state examiner **within not**
7 **later than** thirty (30) days after the close of each fiscal year.

8 (b) The following shall prepare, verify, and file the reports required
9 under subsection (a) not later than sixty (60) days after the ~~end~~ close of
10 each **fiscal** year:

- 11 (1) A municipal government.
12 (2) A public library.
13 (3) **A district (as defined in IC 13-11-2-58(a)) that owns a**
14 **landfill (as defined in IC 13-11-2-116(c)).**

15 SECTION 2. IC 13-21-3-16 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The
17 requirements of this section:

HB 1410—LS 7116/DI 52+



1 (1) are in addition to the requirements set forth in
 2 IC 6-1.1-18.5-7(b); and
 3 (2) do not apply to a district that:
 4 (A) owns a landfill;
 5 (B) will use property tax revenue to:
 6 (i) construct a new landfill cell; or
 7 (ii) close a landfill cell;
 8 at the landfill; and
 9 (C) has received approval from the county fiscal body of
 10 the county in which the landfill is located to construct or
 11 close the landfill cell.

12 (b) To be eligible to include within the district's budget for the
 13 following year tax revenue derived from the imposition of a property
 14 tax, the first year that a property tax will be imposed and any
 15 subsequent year in which the proposed tax levy will increase by five
 16 percent (5%) or more, a board must present identical resolutions to
 17 each of the county fiscal bodies within the district seeking approval for
 18 the use of property tax revenue within the district. The resolution must
 19 state the proposed property tax levy and the proposed use of the
 20 revenue. The resolution must be stated so that:
 21 (1) a "yes" vote indicates approval of the levy and the proposed
 22 use of property tax revenue within the district; and
 23 (2) a "no" vote indicates disapproval of the levy and the proposed
 24 use of property tax revenue within the district.

25 (c) For a resolution described in subsection (b) to be approved by
 26 the county fiscal body:
 27 (1) the county fiscal body must record the vote taken on the
 28 resolution under subsection (b) before May 1 of the year in which
 29 the vote was taken; and
 30 (2) the recorded vote must indicate approval of the use of property
 31 tax revenue within the district.

32 (d) If all of the county fiscal bodies within a district do not record
 33 the approval described in subsection (c) before May 1 of the year in
 34 which the vote under subsection (b) was taken, the board may not:
 35 (1) impose; or
 36 (2) include within the budget of the board;
 37 a property tax for the year following the year in which the vote was
 38 taken.

39 (e) Notwithstanding subsection (d), after the first year a tax is
 40 imposed under this section, the resolution required by subsection (b)
 41 for a district that is located in more than two (2) counties need only be
 42 approved by a majority of the county fiscal bodies for the counties in

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1 which the district is located.
2 (f) A district may not issue bonds to be repaid, directly or indirectly,
3 with money or property tax revenue of the district until a majority of
4 the members of each of the county fiscal bodies within a district passes
5 a resolution approving the bond issue.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1410, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "owns a landfill." and insert ":

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell."

and when so amended that said bill do pass.

(Reference is to HB 1410 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 12, nays 0.

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