
SENATE BILL No. 76

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-21.

Synopsis: Solid waste management district funding sources. For a calendar year after 2009, allows a solid waste management district to impose property taxes and district solid waste management fees only if the district board holds a public hearing in the immediately preceding calendar year and then approves the taxes and fees by a majority vote of all members of the board. Requires consolidation of public hearings if imposition of both property taxes and fees is proposed.

Effective: July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Tax and Fiscal Policy.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 76



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 13-21-3-16, AS AMENDED BY P.L.189-2005,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 16. (a) The requirements of this section:
4 (1) are in addition to the requirements set forth in
5 IC 6-1.1-18.5-7(b); and
6 (2) do not apply to a district that:
7 (A) owns a landfill;
8 (B) will use property tax revenue to:
9 (i) construct a new landfill cell; or
10 (ii) close a landfill cell;
11 at the landfill; and
12 (C) has received approval from the county fiscal body of the
13 county in which the landfill is located to construct or close the
14 landfill cell.
15 (b) ~~To be eligible to~~ **A board may** include within the district's
16 budget for ~~the following~~ **a calendar year after 2009** tax revenue
17 derived from the imposition of a property tax **only if, in the first**



1 **calendar** year that ~~a~~ **immediately precedes the calendar year in**
2 **which the** property tax will be imposed and any subsequent year in
3 **which the proposed tax levy will increase by five percent (5%) or more;**
4 **a first due and payable, the board must present presents** identical
5 resolutions to each of the county fiscal bodies within the district
6 seeking approval for the use of property tax revenue within the district.
7 The resolution must state the proposed property tax levy and the
8 proposed use of the revenue. The resolution:

9 **(1) may not be presented under this subsection before the**
10 **board complies with subsection (h);**

11 **(2) must be approved by a majority vote of all members of the**
12 **board; and**

13 **(3) must** be stated so that:

14 ~~(+)~~ **(A)** a "yes" vote indicates approval of the levy and the
15 proposed use of property tax revenue within the district; and

16 ~~(-)~~ **(B)** a "no" vote indicates disapproval of the levy and the
17 proposed use of property tax revenue within the district.

18 (c) For a resolution described in subsection (b) to be approved by
19 the county fiscal body:

20 (1) the county fiscal body must record the vote taken on the
21 resolution under subsection (b) before May 1 of the year in which
22 the vote was taken; and

23 (2) the recorded vote must indicate approval of the use of property
24 tax revenue within the district.

25 (d) If all of the county fiscal bodies within a district do not record
26 the approval described in subsection (c) before May 1 of the year in
27 which the vote under subsection (b) was taken, the board may not:

28 (1) impose; or

29 (2) include within the budget of the board;

30 a property tax ~~for~~ **first due and payable in the calendar** year
31 **following that immediately succeeds the calendar** year in which the
32 vote was taken.

33 (e) Notwithstanding subsection (d), after the first year a tax is
34 imposed under this section, the resolution required by subsection (b)
35 for a district that is located in more than two (2) counties need only be
36 approved by a majority of the county fiscal bodies for the counties in
37 which the district is located.

38 (f) A district may not issue bonds to be repaid, directly or indirectly,
39 with money or property tax revenue of the district until a majority of
40 the members of each of the county fiscal bodies within a district passes
41 a resolution approving the bond issue.

42 **(g) Subsection (b) applies regardless of whether property taxes**

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1 are imposed in the district under this chapter in the immediately
2 preceding calendar year referred to in subsection (b).

3 (h) Subject to subsection (i), a board may present a resolution
4 under subsection (b) only after public notice and a public hearing
5 before the board at which:

6 (1) all persons using facilities, owning property, or generating
7 solid waste within the district who are benefited by solid waste
8 management; and

9 (2) other interested persons;
10 have an opportunity to be heard concerning the proposed property
11 taxes.

12 (i) A board that proposes to impose:

13 (1) property taxes under this section; and

14 (2) solid waste management fees under IC 13-21-14-1;

15 for a calendar year shall consolidate the public hearing required by
16 subsection (h) with the public hearing required by IC 13-21-14-5.

17 SECTION 2. IC 13-21-14-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A board:

19 (1) may; and

20 (2) if necessary to pay principal or interest on any bonds issued
21 under this article or IC 13-9.5-9 (repealed), shall;

22 establish solid waste management fees in addition to fees imposed
23 under IC 13-21-13 or IC 13-9.5-7 (before its repeal) that apply to all
24 persons owning real property or generating solid waste within the
25 district who are benefited by solid waste management, solid waste
26 collection, a facility for solid waste disposal, or a facility for solid
27 waste processing.

28 (b) ~~The Subject to subsections (c) and (d), a board may change~~
29 ~~and readjust that proposes to impose fees as necessary in the district~~
30 ~~under this section in a calendar year after 2009 must in the~~
31 ~~immediately preceding calendar year approve the imposition of the~~
32 ~~fees by adoption of a resolution by a majority vote of all members~~
33 ~~of the board.~~

34 (c) Subsection (b) applies regardless of whether fees are imposed
35 in the district under this chapter in the immediately preceding
36 calendar year referred to in subsection (b).

37 (d) A board may not adopt a resolution under subsection (b)
38 before a public hearing is held under section 5 of this chapter.

39 SECTION 3. IC 13-21-14-5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to

41 subsection (g), fees shall be established only after public notice and a
42 public hearing before the board at which:

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1 (1) all persons using facilities, owning property, or generating
 2 solid waste within the district who are benefited by solid waste
 3 management; and
 4 (2) other interested persons;
 5 have an opportunity to be heard concerning the proposed fees.
 6 (b) After introduction of a resolution fixing fees and before the
 7 resolution is adopted, public notice of the hearing, setting forth the
 8 schedule of fees, shall be given. The hearing may be adjourned as
 9 necessary.
 10 (c) After the hearing the resolution establishing fees, either as
 11 originally introduced or as amended, shall be passed and put into
 12 effect.
 13 (d) A copy of the schedule of fees established shall be kept:
 14 (1) on file in the office of the board or the controller, secretary, or
 15 other record keeping officer of the district; and
 16 (2) open to inspection by all interested persons.
 17 (e) The fees established extend to cover any additional territory later
 18 served that falls within the same class without the necessity of a
 19 hearing or notice.
 20 (f) **During a calendar year, a board may change or readjustment**
 21 **of readjust fees may be made first due and payable in that calendar**
 22 **year** in the same manner as the fees were originally established.
 23 (g) **A board that proposes to impose:**
 24 (1) **fees under this section; and**
 25 (2) **property taxes under IC 13-21-3-16;**
 26 **for a calendar year shall consolidate the public hearing required by**
 27 **subsection (a) with the public hearing required by**
 28 **IC 13-21-3-16(h).**

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