

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 208 be amended to read as follows:

- 1           Page 1, delete lines 1 through 15, begin a new paragraph and insert:  
2           "SECTION 1. IC 13-21-3-16, AS AMENDED BY P.L.189-2005,  
3           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2010]: Sec. 16. (a) The requirements of this section:  
5           (1) are in addition to the requirements set forth in  
6           IC 6-1.1-18.5-7(b); and  
7           (2) do not apply to a district that:  
8           (A) owns a landfill;  
9           (B) will use property tax revenue to:  
10           (i) construct a new landfill cell; or  
11           (ii) close a landfill cell;  
12           at the landfill; and  
13           (C) has received approval from the county fiscal body of the  
14           county in which the landfill is located to construct or close the  
15           landfill cell.  
16           ~~(b) To be eligible to include within the district's budget for the~~  
17           ~~following year tax revenue derived from the imposition of a property~~  
18           ~~tax, the first year that a property tax will be imposed and any~~  
19           ~~subsequent year in which the proposed tax levy will increase by five~~  
20           ~~percent (5%) or more, a board must present identical resolutions to~~  
21           ~~each of the county fiscal bodies within the district seeking approval for~~  
22           ~~the use of property tax revenue within the district. The resolution must~~  
23           ~~state the proposed property tax levy and the proposed use of the~~  
24           ~~revenue. The resolution must be stated so that~~  
25           ~~(1) a "yes" vote indicates approval of the levy and the proposed~~  
26           ~~use of property tax revenue within the district; and~~  
27           ~~(2) a "no" vote indicates disapproval of the levy and the proposed~~  
28           ~~use of property tax revenue within the district.~~  
29           (c) For a resolution described in subsection (b) to be approved by  
30           the county fiscal body:  
31           (1) the county fiscal body must record the vote taken on the

1 resolution under subsection (b) before May 1 of the year in which  
2 the vote was taken; and  
3 (2) the recorded vote must indicate approval of the use of property  
4 tax revenue within the district.

5 **(b) For each year:**

6 **(1) a district's proposed property tax levy and proposed**  
7 **budget must be approved by a majority vote of all members**  
8 **of the board after the board complies with subsection (e); and**  
9 **(2) the district's proposed property tax levy and proposed**  
10 **budget are subject to review and approval under**  
11 **IC 6-1.1-17-20 or IC 36-3-6-9, whichever applies.**

12 ~~(d)~~ **(c)** If all of the county fiscal bodies within a district do not  
13 record the approval described in subsection (c) before May 1 of the  
14 year in which the vote under subsection (b) was taken, **approve the**  
15 **district's proposed property tax levy under IC 6-1.1-17-20 or**  
16 **IC 36-3-6-9 (whichever applies) for a particular year,** the board may  
17 not:

18 (1) impose; or  
19 (2) include within the budget of the board;  
20 a property tax for ~~the~~ **that** year. following the year in which the vote  
21 was taken:

22 ~~(e)~~ **(e)** Notwithstanding subsection (d), after the first year a tax is  
23 imposed under this section, the resolution required by subsection (b)  
24 for a district that is located in more than two (2) counties need only be  
25 approved by a majority of the county fiscal bodies for the counties in  
26 which the district is located:

27 ~~(f)~~ **(d)** A district may not issue bonds to be repaid, directly or  
28 indirectly, with money or property tax revenue of the district until a  
29 majority of the members of each of the county fiscal bodies within a  
30 district passes a resolution approving the bond issue.

31 **(e) Subject to subsection (f), a board may approve the district's**  
32 **proposed property tax levy and proposed budget under this section**  
33 **only after public notice in accordance with IC 5-3-1 and a public**  
34 **hearing before the board at which:**

35 **(1) all persons using facilities, owning property, or generating**  
36 **solid waste within the district who are benefited by solid waste**  
37 **management; and**

38 **(2) other interested persons;**  
39 **have an opportunity to be heard concerning the proposed property**  
40 **taxes.**

41 **(f) A board that proposes to impose:**  
42 **(1) property taxes under this section; and**  
43 **(2) solid waste management fees under IC 13-21-14-1;**  
44 **for a calendar year shall consolidate the public hearing required by**  
45 **subsection (e) with the public hearing required by IC 13-21-14-5."**

46 Delete page 2.  
47 Page 3, delete lines 1 through 26.

- 1 Page 4, line 16, delete "IC 13-21-3-16(b) and IC 13-21-3-16(h)."  
2 and insert "**IC 13-21-3-16.**".
- 3 Page 4, line 23, delete "IC 13-21-3-16(b) and IC 13-21-3-16(h)."  
4 and insert "**IC 13-21-3-16.**".
- 5 Page 4, line 31, delete "IC 13-21-3-16(b) and IC 13-21-3-16(h)."  
6 and insert "**IC 13-21-3-16.**".
- 7 Page 6, line 1, after "must" insert ",".
- 8 Page 6, line 2, delete "immediately preceding".
- 9 Page 6, line 2, after "year" insert "**immediately preceding the first**  
10 **year in which the fee will first be imposed,**".
- 11 Page 6, delete lines 5 through 7.
- 12 Page 6, line 8, delete "(d)" and insert "(c)".
- 13 Page 6, line 36, after "to" insert ":".
- 14 Page 6, line 36, delete "impose:".
- 15 Page 6, line 37, after "(1)" insert "**establish**".
- 16 Page 6, line 38, after "(2)" insert "**impose**".
- 17 Page 6, line 41, delete "IC 13-21-3-16(h)." and insert  
18 "**IC 13-21-3-16(e).**".
- 19 Renumber all SECTIONS consecutively.  
(Reference is to SB 208 as printed January 29, 2010.)

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Senator GARD