
SENATE BILL No. 565

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 13-11-2; IC 13-20; IC 13-21; IC 13-22-3-8.

Synopsis: Solid waste management districts. Eliminates the authority of a solid waste management district (SWMD) to impose property taxes, except to repay currently outstanding bonds, and otherwise limits the authority of an SWMD. Provides for funding of a SWMD from the state solid waste management fund (SSWMF). Prohibits the use of the SSWMF for construction or operation of a final waste disposal facility owned or operated by an SWMD. Requires the department of state revenue to deposit certain solid waste disposal fees into the SSWMF. Requires the department of environmental management (DEM) to make distributions from the SSWMF based on district population and population density and on a prioritized listing of programs offered by the SWMD. Establishes qualifications for and duties of an SWMD district director. Allows an SWMD board to request and collect information from postconsumer sources on the amount and type of recycling and waste diversion occurring at the source. Gives discretion to DEM in making grants from the hazardous substances response trust fund to units of local government and to SWMDs.

Effective: July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 565



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 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 114, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a
4 political subdivision shall formulate its estimated budget and its
5 proposed tax rate and tax levy on the form prescribed by the
6 department of local government finance and approved by the state
7 board of accounts. The political subdivision shall give notice by
8 publication to taxpayers of:

- 9 (1) the estimated budget;
- 10 (2) the estimated maximum permissible levy;
- 11 (3) the current and proposed tax levies of each fund; and
- 12 (4) the amounts of excessive levy appeals to be requested.

13 In the notice, the political subdivision shall also state the time and
14 place at which a public hearing will be held on these items. The notice
15 shall be published twice in accordance with IC 5-3-1 with the first
16 publication at least ten (10) days before the date fixed for the public
17 hearing. Beginning in 2009, the duties required by this subsection must



1 be completed before September 10 of the calendar year.

2 (b) The board of directors of a solid waste management district

3 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may

4 conduct the public hearing required under subsection (a)

5 ~~(1) in any county of the solid waste management district. and~~

6 ~~(2) in accordance with the annual notice of meetings published~~

7 ~~under IC 13-21-5-2.~~

8 (c) The trustee of each township in the county shall estimate the

9 amount necessary to meet the cost of township assistance in the

10 township for the ensuing calendar year. The township board shall adopt

11 with the township budget a tax rate sufficient to meet the estimated cost

12 of township assistance. The taxes collected as a result of the tax rate

13 adopted under this subsection are credited to the township assistance

14 fund.

15 (d) This subsection expires January 1, 2009. A county shall adopt

16 with the county budget and the department of local government finance

17 shall certify under section 16 of this chapter a tax rate sufficient to raise

18 the levy necessary to pay the following:

19 (1) The cost of child services (as defined in IC 12-19-7-1

20 **(repealed)**) of the county payable from the family and children's

21 fund.

22 (2) The cost of children's psychiatric residential treatment

23 services (as defined in IC 12-19-7.5-1 **(repealed)**) of the county

24 payable from the children's psychiatric residential treatment

25 services fund.

26 A budget, tax rate, or tax levy adopted by a county fiscal body or

27 approved or modified by a county board of tax adjustment that is less

28 than the levy necessary to pay the costs described in subdivision (1) or

29 (2) shall not be treated as a final budget, tax rate, or tax levy under

30 section 11 of this chapter.

31 SECTION 2. IC 6-1.1-18-12, AS AMENDED BY P.L.146-2008,

32 SECTION 168, IS AMENDED TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) For purposes of this section,

34 "maximum rate" refers to the maximum:

35 (1) property tax rate or rates; or

36 (2) special benefits tax rate or rates;

37 referred to in the statutes listed in subsection (d).

38 (b) The maximum rate for taxes first due and payable after 2003 is

39 the maximum rate that would have been determined under subsection

40 (e) for taxes first due and payable in 2003 if subsection (e) had applied

41 for taxes first due and payable in 2003.

42 (c) The maximum rate must be adjusted each year to account for the

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- 1 change in assessed value of real property that results from:
- 2 (1) an annual adjustment of the assessed value of real property
- 3 under IC 6-1.1-4-4.5; or
- 4 (2) a general reassessment of real property under IC 6-1.1-4-4.
- 5 (d) The statutes to which subsection (a) refers are:
- 6 (1) IC 8-10-5-17;
- 7 (2) IC 8-22-3-11;
- 8 (3) IC 8-22-3-25;
- 9 (4) IC 12-29-1-1;
- 10 (5) IC 12-29-1-2;
- 11 (6) IC 12-29-1-3;
- 12 (7) IC 12-29-3-6;
- 13 (8) IC 13-21-3-12;
- 14 ~~(9) IC 13-21-3-15;~~
- 15 ~~(10)~~ (9) IC 14-27-6-30;
- 16 ~~(11)~~ (10) IC 14-33-7-3;
- 17 ~~(12)~~ (11) IC 14-33-21-5;
- 18 ~~(13)~~ (12) IC 15-14-7-4;
- 19 ~~(14)~~ (13) IC 15-14-9-1;
- 20 ~~(15)~~ (14) IC 15-14-9-2;
- 21 ~~(16)~~ (15) IC 16-20-2-18;
- 22 ~~(17)~~ (16) IC 16-20-4-27;
- 23 ~~(18)~~ (17) IC 16-20-7-2;
- 24 ~~(19)~~ (18) IC 16-22-14;
- 25 ~~(20)~~ (19) IC 16-23-1-29;
- 26 ~~(21)~~ (20) IC 16-23-3-6;
- 27 ~~(22)~~ (21) IC 16-23-4-2;
- 28 ~~(23)~~ (22) IC 16-23-5-6;
- 29 ~~(24)~~ (23) IC 16-23-7-2;
- 30 ~~(25)~~ (24) IC 16-23-8-2;
- 31 ~~(26)~~ (25) IC 16-23-9-2;
- 32 ~~(27)~~ (26) IC 16-41-15-5;
- 33 ~~(28)~~ (27) IC 16-41-33-4;
- 34 ~~(29)~~ (28) IC 20-46-2-3 (before its repeal on January 1, 2009);
- 35 ~~(30)~~ (29) IC 20-46-6-5;
- 36 ~~(31)~~ (30) IC 20-49-2-10;
- 37 ~~(32)~~ (31) IC 36-1-19-1;
- 38 ~~(33)~~ (32) IC 23-14-66-2;
- 39 ~~(34)~~ (33) IC 23-14-67-3;
- 40 ~~(35)~~ (34) IC 36-7-13-4;
- 41 ~~(36)~~ (35) IC 36-7-14-28;
- 42 ~~(37)~~ (36) IC 36-7-15.1-16;

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1 ~~(38)~~ (37) IC 36-8-19-8.5;
2 ~~(39)~~ (38) IC 36-9-6.1-2;
3 ~~(40)~~ (39) IC 36-9-17.5-4;
4 ~~(41)~~ (40) IC 36-9-27-73;
5 ~~(42)~~ (41) IC 36-9-29-31;
6 ~~(43)~~ (42) IC 36-9-29.1-15;
7 ~~(44)~~ (43) IC 36-10-6-2;
8 ~~(45)~~ (44) IC 36-10-7-7;
9 ~~(46)~~ (45) IC 36-10-7-8;
10 ~~(47)~~ (46) IC 36-10-7.5-19;
11 ~~(48)~~ (47) IC 36-10-13-5;
12 ~~(49)~~ (48) IC 36-10-13-7;
13 ~~(50)~~ (49) IC 36-10-14-4;
14 ~~(51)~~ (50) IC 36-12-7-7;
15 ~~(52)~~ (51) IC 36-12-7-8;
16 ~~(53)~~ (52) IC 36-12-12-10; and
17 ~~(54)~~ (53) any statute enacted after December 31, 2003, that:
18 (A) establishes a maximum rate for any part of the:
19 (i) property taxes; or
20 (ii) special benefits taxes;
21 imposed by a political subdivision; and
22 (B) does not exempt the maximum rate from the adjustment
23 under this section.
24 (e) The new maximum rate under a statute listed in subsection (d)
25 is the tax rate determined under STEP SEVEN of the following STEPS:
26 STEP ONE: Determine the maximum rate for the political
27 subdivision levying a property tax or special benefits tax under
28 the statute for the year preceding the year in which the annual
29 adjustment or general reassessment takes effect.
30 STEP TWO: Determine the actual percentage increase (rounded
31 to the nearest one-hundredth percent (0.01%)) in the assessed
32 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
33 taxable property from the year preceding the year the annual
34 adjustment or general reassessment takes effect to the year that
35 the annual adjustment or general reassessment takes effect.
36 STEP THREE: Determine the three (3) calendar years that
37 immediately precede the ensuing calendar year and in which a
38 statewide general reassessment of real property does not first take
39 effect.
40 STEP FOUR: Compute separately, for each of the calendar years
41 determined in STEP THREE, the actual percentage increase
42 (rounded to the nearest one-hundredth percent (0.01%)) in the

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1 assessed value (before the adjustment, if any, under
 2 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 3 STEP FIVE: Divide the sum of the three (3) quotients computed
 4 in STEP FOUR by three (3).
 5 STEP SIX: Determine the greater of the following:
 6 (A) Zero (0).
 7 (B) The result of the STEP TWO percentage minus the STEP
 8 FIVE percentage.
 9 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
 10 divided by the sum of one (1) plus the STEP SIX percentage
 11 increase.
 12 (f) The department of local government finance shall compute the
 13 maximum rate allowed under subsection (e) and provide the rate to
 14 each political subdivision with authority to levy a tax under a statute
 15 listed in subsection (d).
 16 SECTION 3. IC 13-11-2-87, AS AMENDED BY P.L.57-2009,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2011]: Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers
 19 to the environmental management special fund.
 20 (b) "Fund", for purposes of IC 13-15-10, refers to the waste facility
 21 operator trust fund.
 22 (c) "Fund", for purposes of IC 13-15-11, refers to the environmental
 23 management permit operation fund.
 24 (d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust
 25 fund.
 26 (e) "Fund", for purposes of IC 13-17-8, refers to the Title V
 27 operating permit program trust fund.
 28 (f) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.
 29 (g) "Fund", for purposes of IC 13-18-13, refers to the wastewater
 30 revolving loan fund established by IC 13-18-13-2.
 31 (h) "Fund", for purposes of IC 13-18-21, refers to the drinking water
 32 revolving loan fund established by IC 13-18-21-2. The term does not
 33 include the supplemental fund established by IC 13-18-21-22.
 34 (i) "Fund", for purposes of IC 13-19-5, refers to the environmental
 35 remediation revolving loan fund established by IC 13-19-5-2.
 36 (j) "Fund", for purposes of IC 13-20-4, refers to the municipal waste
 37 transportation fund.
 38 (k) "Fund", for purposes of IC 13-20-13, refers to the waste tire
 39 management fund.
 40 (l) "Fund", for purposes of IC 13-20-22, refers to the state solid
 41 waste management fund.
 42 (m) "Fund", for purposes of IC 13-21-7, refers to the waste

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1 ~~management district bond fund.~~
 2 (n) "Fund", for purposes of ~~IC 13-21-13-2~~, refers to a district solid
 3 waste management fund.
 4 (o) (m) "Fund", for purposes of IC 13-23-6, refers to the
 5 underground petroleum storage tank trust fund.
 6 (p) (n) "Fund", for purposes of IC 13-23-7, refers to the
 7 underground petroleum storage tank excess liability trust fund.
 8 (q) (o) "Fund", for purposes of IC 13-25-4, refers to the hazardous
 9 substances response trust fund.
 10 (r) (p) "Fund", for purposes of IC 13-25-5, refers to the voluntary
 11 remediation fund.
 12 (s) (q) "Fund", for purposes of IC 13-28-2, refers to the voluntary
 13 compliance fund.
 14 SECTION 4. IC 13-11-2-195 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 195. (a) "Revenues",
 16 for purposes of IC 13-21, means the amounts received by a county or
 17 joint solid waste management district from the operation or ownership
 18 of facilities.
 19 (b) ~~The term does not include amounts derived from the levy of~~
 20 ~~taxes or from fees under IC 13-21-13.~~
 21 SECTION 5. IC 13-20-14-1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
 23 provided in:
 24 (1) rules adopted under subsection (d); and
 25 (2) section 10 of this chapter;
 26 a whole waste tire may not be disposed of at a solid waste landfill.
 27 (b) The department may approve shredded or ground up tires for use
 28 as daily cover for a solid waste landfill.
 29 (c) Material approved under subsection (b) is exempt from
 30 IC 13-20-22. ~~and IC 13-21-13.~~
 31 (d) The solid waste management board shall adopt rules that allow
 32 for the incidental disposal of small amounts of whole waste tires at
 33 solid waste landfills.
 34 (e) The rules adopted under subsection (d) may allow a landfill
 35 operator to meet the requirements of the rule by employing procedures
 36 designed to achieve the objectives of subsection (d) in lieu of a numeric
 37 standard.
 38 SECTION 6. IC 13-20-20-1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The department
 40 ~~shall~~ **may** provide financial assistance to units and districts through
 41 matching grants awarded under this chapter for projects involving the
 42 collection, recycling, or disposal of household hazardous waste and

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1 conditionally exempt small quantity generator waste.

2 (b) Grants awarded under this chapter shall be funded

3 ~~(1)~~ from the hazardous substances response trust fund established
4 by IC 13-25-4-1 if money is available under IC 13-25-4-4. ~~and~~
5 ~~(2)~~ from the solid waste management fund established by
6 ~~IC 13-20-22-2.~~

7 (c) Units and districts may join in any combination for the purposes
8 of the following:

9 (1) Implementing a project.

10 (2) Applying for a grant under this chapter.

11 SECTION 7. IC 13-20-22-2, AS AMENDED BY P.L.137-2007,
12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 2. (a) The state solid waste management fund is
14 established to provide money to **districts** for the following:

15 (1) Programs that provide grants and loans that provide education
16 and promote the following, **in the listed order of priority:**

17 ~~(A)~~ Recycling and the use of recycled materials.

18 ~~(B)~~ Waste reduction.

19 **(A) Proper disposal of household hazardous waste.**

20 **(B) Proper disposal of used tires.**

21 **(C) Proper disposal of electronic waste.**

22 ~~(C)~~ **(D) Proper** management of yard waste.

23 **(E) Recycling and the use of recycled materials.**

24 (2) Providing grants to implement household hazardous waste
25 source reduction or recycling projects: **education on the**
26 **programs listed in subdivision (1).**

27 ~~(3)~~ Providing grants for household hazardous waste and
28 conditionally exempting small quantity generator waste
29 collection, recycling, or disposal projects under ~~IC 13-20-20.~~

30 ~~(4)~~ **(b) The fund may be used to make** payments by the department
31 under IC 13-20-17.7-6.

32 ~~(b)~~ **(c)** The expenses of administering the fund shall be paid from
33 money in the fund.

34 ~~(c)~~ **(d)** The sources of money for the fund are the following:

35 (1) All fees deposited into the fund under section 12(2) of this
36 chapter.

37 (2) Accrued interest and other investment earnings of the fund.

38 (3) Appropriations made by the general assembly.

39 (4) Gifts and donations from any person to the fund.

40 (5) Civil penalties imposed under IC 13-30-4 for violations of
41 IC 13-20-17.7 and proceeds received following a criminal
42 conviction in connection with a violation of IC 13-20-17.7.

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- 1 (6) Subject to subsection ~~(f)~~; **(h)**, assets assigned and other
- 2 contributions made by persons.
- 3 (7) Transfers from the Indiana recycling promotion and assistance
- 4 fund under IC 4-23-5.5-14(i).
- 5 (8) Money credited to the fund from the environmental
- 6 management special fund under IC 13-14-12-1(c).

7 **(e) The fund may not be used to pay the cost of construction or**
 8 **operation of a final waste disposal facility owned or operated by a**
 9 **district.**

10 ~~(d)~~ **(f)** The treasurer of state shall invest the money in the fund not
 11 currently needed to meet the obligations of the fund in the same
 12 manner as other public money may be invested.

13 ~~(e)~~ **(g)** Money in the fund at the end of a state fiscal year does not
 14 revert to the state general fund.

15 ~~(f)~~ **(h)** Money in the fund resulting from assets assigned and other
 16 contributions made under subsection ~~(e)~~~~(f)~~ **(d)(6)** may be used only by
 17 the department of environmental management to make payments under
 18 IC 13-20-17.7-6.

19 SECTION 8. IC 13-20-22-2.1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) The department
 21 shall adopt and make available a policy concerning the ~~award of grants~~
 22 **distribution of money** under section 2 of this chapter.

23 (b) The policy must include the following considerations:

24 ~~(1) No private sector services will be displaced if an equipment~~
 25 ~~grant is awarded:~~

26 ~~(2) The economic need of the district must be a consideration in~~
 27 ~~awarding a grant:~~

- 28 **(1) The population and population density of the district.**
- 29 **(2) The extent to which the district provides the programs**
 30 **identified in section 2(a)(1) of this chapter.**

31 SECTION 9. IC 13-20-22-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There is annually
 33 appropriated to the fund, for the purposes set forth in section 2(a) of
 34 this chapter, the amount of money deposited in the fund from the
 35 sources set forth in section ~~2(e)~~ **2(d)** of this chapter.

36 (b) The governor and the budget agency must approve expenditures
 37 from the fund under section 2(a) of this chapter.

38 SECTION 10. IC 13-20-22-12 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. Each month the
 40 department of state revenue shall deposit the following:

41 ~~(1) Not less than fifty percent (50%) of the revenue from the fee~~
 42 ~~imposed under section 1(b)(1) of this chapter into the Indiana~~

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1 recycling promotion and assistance fund established in
2 ~~IC 4-23-5.5-14.~~

3 ~~(2) Not more than fifty percent (50%) of the revenue from the fee~~
4 ~~imposed under section 1(b)(1) of this chapter into the fund:~~

5 **(1) The revenue from the fee imposed under section 1(b)(1) of**
6 **this chapter into the fund.**

7 ~~(3) (2) The revenue from the fee imposed under section 1(b)(2) of~~
8 ~~this chapter into the hazardous substance response trust fund~~
9 ~~established by IC 13-25-4-1.~~

10 SECTION 11. IC 13-20-22-16 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. Fees prescribed by
12 this chapter are not:

13 (1) revenues (as defined in IC 36-9-31-2) of a facility (as defined
14 in IC 36-9-31-2); or

15 (2) revenues under:

16 (A) IC 8-1.5;

17 (B) IC 13-21-3-13;

18 ~~(C) IC 13-21-7 through IC 13-21-12;~~

19 ~~(D) IC 13-21-14; or~~

20 **(C) IC 13-21-11; or**

21 ~~(E) (D) IC 36-9-30.~~

22 SECTION 12. IC 13-21-3-7 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) In:

24 (1) a joint district; or

25 (2) a single district having a population of more than four hundred
26 thousand (400,000) but less than seven hundred thousand
27 (700,000);

28 the board appointed under section 5 of this chapter may elect from the
29 board's membership an executive committee having an odd number of
30 members.

31 (b) An executive committee elected under subsection (a) for a joint
32 district has only the powers invested in the committee by resolution of
33 the board. An executive committee may exercise any powers of the
34 board under this article that are delegated to the executive committee
35 by resolution of the board.

36 (c) The board of the joint district may appoint one (1) or more
37 alternates from among the membership of the board to:

38 (1) participate; and

39 (2) exercise the power to vote;

40 with the executive committee if a member of the executive committee
41 is absent.

42 ~~(d) A meeting of an executive committee may serve as the regularly~~

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1 ~~scheduled monthly meeting of a board as required under IC 13-21-5-2.~~

2 SECTION 13. IC 13-21-3-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) This section does
4 not apply to a board of public works that constitutes the board of a
5 county district under section 5(c) of this chapter.

6 (b) The board shall select the following:

7 (1) A chairperson and vice chairperson from the board's
8 membership.

9 (2) A controller who is not a member of the board.

10 **(3) A district director who meets the requirements of section**
11 **9.1 of this chapter.**

12 (c) If a controller selected by a board under this section is the fiscal
13 officer of a county or municipality, the duties of the controller under a
14 statute or an ordinance are in addition to the duties the controller has
15 while serving as the fiscal officer of the county or municipality.

16 SECTION 14. IC 13-21-3-9.1 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: **Sec. 9.1. (a) This section applies to a**
19 **district director selected by the board after June 30, 2011.**

20 **(b) The district director selected by the board under section 9 of**
21 **this chapter:**

22 **(1) must, subject to subsection (c), possess a minimum of three**
23 **(3) years of solid waste management experience;**

24 **(2) must possess a certification from the Solid Waste**
25 **Association of North America; and**

26 **(3) must not have been convicted of a crime involving:**

27 **(A) misrepresentation; or**

28 **(B) the violation of a state or federal environmental**
29 **protection law.**

30 **(c) The board may consider work toward a postgraduate degree**
31 **to be solid waste management experience for purposes of**
32 **subsection (b)(1).**

33 SECTION 15. IC 13-21-3-9.2 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: **Sec. 9.2. The district director selected**
36 **by the board under section 9 of this chapter:**

37 **(1) is responsible to the board for the management of the**
38 **district; and**

39 **(2) shall perform other duties prescribed by the board that**
40 **are consistent with this chapter.**

41 SECTION 16. IC 13-21-3-11 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The board of

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1 each district shall appoint and convene a solid waste management
 2 advisory committee of citizens not later than thirty (30) days after the
 3 board has been established. The committee must include the following:
 4 (1) Representatives of the solid waste management industry
 5 operating in the district.
 6 (2) Representatives of the environmental community and other
 7 citizens who are:
 8 (A) knowledgeable about and interested in environmental
 9 issues; and
 10 (B) not employed directly or indirectly by the solid waste
 11 management industry.
 12 (b) At least fifty percent (50%) of the members of an advisory
 13 committee must be made up of the representatives of the environmental
 14 community and other citizens. All members of the committee must be
 15 residents of the district.
 16 (c) In the resolution establishing an advisory committee, the board
 17 shall specify the terms of the members and the purposes of the
 18 committee. Each advisory committee shall do the following:
 19 (1) Study the subjects and problems specified by the board and
 20 recommend to the board additional problems in need of study and
 21 discussion.
 22 (2) If invited by the board to do so, participate, without the right
 23 to vote, in the deliberations of the board.
 24 (d) An advisory committee shall report only to the board. Reports of
 25 the committee must
 26 ~~(1) accompany a final district plan when the plan is submitted to~~
 27 ~~the commissioner under IC 13-21-5; and~~
 28 ~~(2) be made available to members of the public.~~
 29 (e) An advisory committee may choose to study and report on
 30 matters that are not specified by the board if the committee determines
 31 a study is warranted.
 32 (f) An advisory committee and board shall conduct at least two (2)
 33 joint meetings each year to discuss current and future issues. The
 34 advisory committee shall submit into the record at the next meeting of
 35 the board advice on the topics discussed at the joint meeting.
 36 (g) An advisory committee shall do the following:
 37 (1) Meet after the first publication of the district's proposed
 38 annual budget.
 39 (2) Submit written comments concerning the proposed budget at
 40 a public hearing that is held to review the proposed budget.
 41 SECTION 17. IC 13-21-3-12, AS AMENDED BY P.L.114-2008,
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 12. (a) Except as provided in section 14.5 of this
 2 chapter, the powers of a district include the following:
 3 ~~(1) The power to develop and implement a district solid waste~~
 4 ~~management plan under IC 13-21-5.~~
 5 ~~(2)~~ (1) The power to impose district fees on the final disposal of
 6 solid waste ~~within at a final disposal facility owned or operated~~
 7 ~~by the district. under IC 13-21-13.~~
 8 ~~(3)~~ (2) The power to receive and disburse money, if the primary
 9 purpose of activities undertaken under this subdivision is to carry
 10 out the provisions of this article.
 11 ~~(4)~~ (3) The power to sue and be sued.
 12 ~~(5)~~ (4) The power to plan, design, construct, finance, manage,
 13 own, lease, operate, and maintain facilities for solid waste
 14 management.
 15 ~~(6)~~ (5) The power to enter with any person into a contract or an
 16 agreement that is necessary or incidental to the management of
 17 solid waste. Contracts or agreements that may be entered into
 18 under this subdivision include those for the following:
 19 (A) The design, construction, operation, financing, ownership,
 20 or maintenance of facilities by the district or any other person.
 21 (B) The managing or disposal of solid waste.
 22 (C) The sale or other disposition of materials or products
 23 generated by a facility.
 24 Notwithstanding any other statute, the maximum term of a
 25 contract or an agreement described in this subdivision may not
 26 exceed forty (40) years.
 27 ~~(7)~~ (6) The power to enter into agreements for the leasing of
 28 facilities in accordance with IC 36-1-10 or IC 36-9-30.
 29 ~~(8)~~ (7) The power to purchase, lease, or otherwise acquire real or
 30 personal property for the management or disposal of solid waste.
 31 ~~(9)~~ (8) The power to sell or lease any facility or part of a facility
 32 to any person.
 33 ~~(10)~~ (9) The power to make and contract for plans, surveys,
 34 studies, and investigations necessary for the management or
 35 disposal of solid waste.
 36 ~~(11)~~ (10) The power to enter upon property to make surveys,
 37 soundings, borings, and examinations.
 38 ~~(12)~~ (11) The power to:
 39 (A) accept gifts, grants, loans of money, other property, or
 40 services from any source, public or private; and
 41 (B) comply with the terms of the gift, grant, or loan.
 42 ~~(13)~~ (12) For property taxes first due and payable before

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2012, 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 sections 15 and 15.5 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)~~ **(13)** The power to borrow in anticipation of ~~taxes~~ **revenue**.

(14) The power to request and collect information from postconsumer sources on the amount and type of recycling and waste diversion occurring at the source.

(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 resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(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

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1 ~~described in IC 13-20-22-2 and carry out all commitments~~
2 ~~contained in a grant application.~~
3 (19) The power to enter into an interlocal cooperation agreement
4 under IC 36-1-7 to obtain:
5 (A) fiscal;
6 (B) administrative;
7 (C) managerial; or
8 (D) operational;
9 services from a county or municipality.
10 (20) The power to compensate advisory committee members for
11 attending meetings at a rate determined by the board.
12 (21) The power to reimburse board and advisory committee
13 members for travel and related expenses at a rate determined by
14 the board.
15 (22) The power to pay a fee from district money to:
16 (A) in a joint district, the county or counties in which a final
17 disposal facility is located; or
18 (B) a county that:
19 (i) was part of a joint district;
20 (ii) has withdrawn from the joint district as of January 1,
21 2008; and
22 (iii) has established its own district in which a final disposal
23 facility is located.
24 (23) The power to make grants or loans of:
25 (A) money;
26 (B) property; or
27 (C) services;
28 to public or private recycling programs, composting programs, or
29 any other programs that reuse any component of the waste stream
30 as a material component of another product, if the primary
31 purpose of activities undertaken under this subdivision is to carry
32 out the provisions of this article.
33 (24) The power to establish by resolution a nonreverting capital
34 fund. A district's board may appropriate money in the fund for:
35 (A) equipping;
36 (B) expanding;
37 (C) modifying; or
38 (D) remodeling;
39 an existing facility. Expenditures from a capital fund established
40 under this subdivision must further the goals and objectives
41 contained in a district's solid waste management plan. Not more
42 than five percent (5%) of the district's total annual budget for the

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1 year may be transferred to the capital fund that year. The balance
 2 in the capital fund may not exceed twenty-five percent (25%) of
 3 the district's total annual budget. If a district's board determines
 4 by resolution that a part of a capital fund will not be needed to
 5 further the goals and objectives contained in the district's solid
 6 waste management plan, that part of the capital fund may be
 7 transferred to the district's general fund, to be used to offset
 8 tipping fees, property tax revenues, or both tipping fees and
 9 property tax revenues.

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

13 (26) The power to conduct educational programs under
 14 IC 13-20-17.5 to provide information to the public concerning:
 15 (A) the reuse and recycling of mercury in:
 16 (i) mercury commodities; and
 17 (ii) mercury-added products; and
 18 (B) collection programs available to the public for:
 19 (i) mercury commodities; and
 20 (ii) mercury-added products.

21 (27) The power to implement mercury collection programs under
 22 IC 13-20-17.5 for the public and small businesses.

23 **(b) Except as provided in IC 13-21-7.1-2, a district may not levy**
 24 **a tax within the district to pay costs of the operation of the district.**

25 SECTION 18. IC 13-21-3-13 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) A board may do
 27 the following:
 28 (1) Enter into agreements concerning and acquire by any lawful
 29 means real property or interests in real and personal property
 30 needed for the purposes of this section. ~~or IC 13-21-9.~~
 31 (2) Enter into financing agreements to purchase, lease as lessee,
 32 construct, remodel, rebuild, enlarge, or substantially improve
 33 facilities.
 34 (3) Lease facilities to users or developers with or without an
 35 option to purchase.
 36 (4) Sell facilities to users or developers for consideration, which
 37 may be paid in installments or otherwise.
 38 (5) Make direct loans to users or developers for the cost of
 39 acquisition, construction, or installation of facilities, including
 40 real property, machinery, or equipment. If loans are made, the
 41 development bonds must be secured by the pledge of one (1) or
 42 more bonds or other secured or unsecured debt obligations of the

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1 users or developers.
 2 (6) Enter into agreements with users or developers to allow the
 3 users or developers to wholly or partially acquire, construct, or
 4 modify facilities to be acquired by the district.
 5 ~~(7) Issue waste management development bonds under IC 13-21-9~~
 6 ~~to do the following:~~
 7 ~~(A) Accomplish the purposes of this section and IC 13-21-9;~~
 8 ~~(B) Secure payment of the development bonds as provided in~~
 9 ~~IC 13-21-9.~~
 10 (b) This section ~~or IC 13-21-9~~ does not authorize the district's
 11 financing of facilities for a developer unless any agreement that exists
 12 between a developer and a user is fully disclosed to and approved by
 13 the board.
 14 SECTION 19. IC 13-21-3-13.5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13.5. (a) This section
 16 does not apply to the following:
 17 (1) A nonreverting capital fund established under section 12(24)
 18 of this chapter.
 19 (2) A fund established under IC 13-21-7-8 **(before its repeal)**.
 20 (3) The waste management district bond fund established under
 21 IC 13-21-7-10 **(before its repeal)**.
 22 (4) A fund established to secure the payment of principal and
 23 interest under IC 13-21-12-1(12) **(before its repeal)**.
 24 (b) At the end of each year the district shall prepare a report that
 25 provides the following information:
 26 (1) For each fund that contains district money:
 27 (A) the cash balance at the end of the year;
 28 (B) a list of all encumbrances on the fund that the district is
 29 legally obligated to pay;
 30 (C) a copy of documentation that supports each encumbrance
 31 listed in clause (B);
 32 (D) the fund balance obtained by subtracting the amount under
 33 clause (B) from the amount under clause (A); and
 34 (E) the total expenditures from the fund for the year.
 35 (2) The total of all fund balances calculated under subdivision
 36 (1)(D).
 37 (3) The total of all fund expenditures reported under subdivision
 38 (1)(E).
 39 (c) The district shall provide the report developed under subsection
 40 (b) to the department, the department of local government finance, and
 41 the environmental quality service council by February 1 of the year
 42 following the year for which the report is made.

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1 SECTION 20. IC 13-21-3-14.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14.5. (a) This section
 3 does not apply to the following:

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

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

11 (3) The development, operation, and contracting for the
 12 development or operation of a publicly owned solid waste landfill
 13 in a county having a population of more than one hundred ten
 14 thousand (110,000) but less than one hundred fifteen thousand
 15 (115,000). The operation of the landfill must have begun before
 16 July 1, 2001.

17 (4) A contract entered into between the board and a third party
 18 before May 1, 1997, for the development or operation of a solid
 19 waste landfill in a county having a population of more than four
 20 hundred thousand (400,000) but less than seven hundred thousand
 21 (700,000). The third party is limited to those parties that
 22 submitted proposals to the board under a formal request for
 23 proposals that were selected by the board, before December 1,
 24 1995, as finalists in the contract negotiations.

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

28 (6) Activities conducted as part of household hazardous waste (as
 29 defined in IC 13-11-2-104) collection and disposal projects.

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

31 (1) undertake to provide waste management services by means of
 32 its own work force; or

33 (2) contract with any person to provide waste management
 34 services.

35 (c) A district may perform the activities described in subsection (b):

36 (1) if:

37 (A) the board is able to adopt a resolution under subsection
 38 (d); and

39 (B) a private sector entity is not willing or able to provide
 40 waste management services at a reasonable cost to the district;

41 or

42 (2) if the district is requested to do so by a unit of government that

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1 performs the activities with the unit's work force.
 2 (d) The board may adopt a resolution determining that the district
 3 must either provide waste management services by means of its own
 4 work force or contract with a person to provide waste management
 5 services, only if the board finds that:
 6 (1) the waste management service is not currently available in the
 7 district at a reasonable cost; and
 8 (2) providing the waste management service by means of its own
 9 work force or by contract will benefit the public health, welfare,
 10 and safety of residents of the district.
 11 The board's determination must be supported with findings of fact.
 12 (e) A district shall provide notice by publication under IC 5-3-1 and
 13 at the time of publication serve by first class mail to any person that
 14 delivers to the district an annual written request for notices before
 15 January 1 of any meeting to consider adoption of a resolution making
 16 a preliminary determination that it is necessary for the district to
 17 undertake to provide waste management services by means of its own
 18 work force or contract with any person to provide waste management
 19 services.
 20 (f) Whenever a district evaluates the reasonableness of cost under
 21 this section, it shall:
 22 (1) compare the cost of the same level of service provided in the
 23 district or in similar demographic areas within Indiana; and
 24 (2) if the district wishes to provide waste management services
 25 with its own facilities or work force, the district must disclose the
 26 entire cost of providing the service by the district, including the
 27 following:
 28 (A) subsidies arising from ~~taxes~~, fees, grants, or
 29 intergovernmental transfers;
 30 (B) in-kind contributions of real estate, interests in real estate,
 31 equipment, personnel, or other assets;
 32 (C) discounts; and
 33 (D) tax exemptions.
 34 (g) A resolution adopted under subsection (d) may authorize a
 35 district to perform more than one (1) solid waste recycling, collection,
 36 or disposal event in the manner described in subsection (b) if:
 37 (1) the duration of each event authorized by the resolution is not
 38 more than one (1) day; and
 39 (2) all events authorized by the resolution will take place in one
 40 (1) calendar year.

41 SECTION 21. IC 13-21-3-19 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) The board of a

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1 district may delegate any of the board's authority to any board or
 2 legislative body of a municipality by resolution. However:
 3 (1) an exercise by a municipality of the taxing power of the
 4 district must be ratified by the board of the district; and
 5 (2) if the board of a municipality has been delegated authority
 6 under this subsection, the legislative body of the municipality
 7 must approve an action of the board of the municipality that
 8 involves:
 9 (A) an exercise of the taxing power of the district;
 10 ~~(B)~~ (A) the issuance of bonds under this article or IC 13-9.5
 11 (before its repeal); or
 12 ~~(C)~~ (B) the setting of fees, rates, and charges under this article
 13 or IC 13-9.5 (before its repeal).
 14 (b) The board may delegate authority to the board's officers to carry
 15 out the directions of the board.
 16 (c) A resolution delegating powers of the board under this section
 17 must contain reasonable standards and parameters within which the
 18 delegated powers may be exercised.
 19 SECTION 22. IC 13-21-3-22 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) ~~This subsection~~
 21 ~~does not apply to the collection of property taxes.~~ The board of a
 22 district may contract with a county to collect fees and revenue for a
 23 board.
 24 (b) A contract under this section must do all of the following:
 25 (1) Describe the fees and revenue that will be collected.
 26 (2) Describe the responsibilities of the district and the county.
 27 (3) Describe any collection charges that a county will impose to
 28 reimburse the county for the administrative expenses of collecting
 29 fees and revenue.
 30 (4) Establish the date or conditions under which the agreement
 31 expires.
 32 (5) Be in writing.
 33 A contract may include other necessary or appropriate terms.
 34 (c) Before a contract under this section becomes effective:
 35 (1) the county auditor and the county treasurer must consent to the
 36 terms of the contract; and
 37 (2) the board of the district and the executive body for the county
 38 must approve the contract by resolution in a public meeting.
 39 The written consent of the county auditor and county treasurer must be
 40 incorporated by reference into the resolution adopted by the county
 41 executive body.
 42 (d) To carry out a contract under this section, a county executive

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1 body may establish a collection charge. The charge may not exceed the
2 direct costs of collecting fees and revenue, including an allowance for
3 computer reprogramming and other costs incurred to establish and
4 maintain the collection program. Collection charges received by a
5 county shall be deposited in the county general fund.

6 (e) Revenue and fees collected by a county shall be deposited in a
7 separate fund and distributed to the district, without an appropriation
8 or a claim, under the terms of the contract.

9 (f) A county may include a notice of the amount of fees, charges, or
10 other revenue subject to this section in a property tax notice sent to a
11 taxpayer.

12 (g) A county or the district may collect a delinquent payment subject
13 to this section in the same manner as any general debt may be
14 collected.

15 SECTION 23. IC 13-21-4-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) If a county
17 withdraws from or the county executives of a joint district remove a
18 county from a joint district, the county must:

- 19 (1) designate itself as a new county district;
- 20 (2) join one (1) or more other counties to form a new joint district;
- 21 or
- 22 (3) join an existing joint district;

23 under the procedures set forth in IC 13-21-3.

24 (b) If a county:

- 25 (1) designates itself as a new county district; or
- 26 (2) joins one (1) or more other counties to form a new joint
27 district;

28 the county district or new joint district shall submit a district plan to the
29 commissioner as provided under IC 13-21-5.

30 (c) If a county joins an existing joint district, the joint district shall
31 amend the joint district's district plan as provided under IC 13-21-5.

32 (d) If a county withdraws or is removed from a joint district that
33 consists of more than two (2) counties, the joint district shall amend the
34 joint district's district plan as provided under IC 13-21-5.

35 SECTION 24. IC 13-21-7.1 IS ADDED TO THE INDIANA CODE
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]:

38 **Chapter 7.1. Financing: Funding of Solid Waste Management**
39 **Districts**

40 **Sec. 1. The funding of districts shall be:**

- 41 (1) provided through the state solid waste management fund
42 established by IC 13-20-22-2; and

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1 **(2) distributed by the department among the districts based**
 2 **on:**
 3 **(A) the population and population density of each district;**
 4 **and**
 5 **(B) the extent to which each district provides the programs**
 6 **identified in IC 13-20-22-2(a)(1).**
 7 **Sec. 2. (a) This section applies only to district bonds in existence**
 8 **on July 1, 2011.**
 9 **(b) The district bonds:**
 10 **(1) are special obligations of the district; and**
 11 **(2) are not, in any respect, a corporate obligation or**
 12 **indebtedness of the units that comprise the district.**
 13 **(c) The district bonds and the interest on the bonds are payable**
 14 **out of a special tax levied upon all of the property of the district**
 15 **and any other revenues made available for that purpose under this**
 16 **article. The district bonds must recite these terms on the face of the**
 17 **bonds together with the purpose for which the bonds are issued.**
 18 **(d) A district may refinance a bond only if the refinancing:**
 19 **(1) will not add to the principle; and**
 20 **(2) will result in a lower interest rate on the bond.**
 21 **SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE**
 22 **JULY 1, 2011]: IC 13-11-2-59; IC 13-11-2-243; IC 13-21-3-12.2;**
 23 **IC 13-21-3-15; IC 13-21-3-15.5; IC 13-21-3-16; IC 13-21-3-20;**
 24 **IC 13-21-4-7; IC 13-21-5; IC 13-21-7; IC 13-21-8; IC 13-21-9;**
 25 **IC 13-21-10; IC 13-21-12; IC 13-21-13; IC 13-21-14; IC 13-22-3-8.**

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