

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 433 be amended to read as follows:

- 1           Page 13, line 2, delete "2011" and insert "**2011**".
- 2           Page 13, line 3, delete "department's annual cost to administer the"
- 3           and insert "**program's annual cost of administration exceeds the**
- 4           **annual revenue generated by the program and evaluate whether to**
- 5           **recommend measures to reduce or eliminate the excess cost;**".
- 6           Page 13, delete lines 4 through 5.
- 7           Page 13, line 6, delete "reduce or eliminate that excess;".
- 8           Page 26, between lines 12 and 13, begin a new paragraph and insert:
- 9           "SECTION 34. IC 13-20.5-7-10 IS ADDED TO THE INDIANA
- 10          CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11          [EFFECTIVE JULY 1, 2011]: **Sec. 10. Solid waste management**
- 12          **districts shall conduct educational programs under IC 13-21-3-12**
- 13          **to provide information to the public concerning:**
- 14                 **(1) reuse and recycling of electronic waste;**
- 15                 **(2) collection programs available to the public for the disposal**
- 16                 **of electronic waste; and**
- 17                 **(3) proper disposal of electronic waste.**
- 18          SECTION 35. IC 13-21-3-12, AS AMENDED BY P.L.114-2008,
- 19          SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20          JULY 1, 2011]: Sec. 12. Except as provided in section 14.5 of this
- 21          chapter, the powers of a district include the following:
- 22                 (1) The power to develop and implement a district solid waste
- 23                 management plan under IC 13-21-5.
- 24                 (2) The power to impose district fees on the final disposal of solid
- 25                 waste within the district under IC 13-21-13.
- 26                 (3) The power to receive and disburse money, if the primary
- 27                 purpose of activities undertaken under this subdivision is to carry
- 28                 out the provisions of this article.
- 29                 (4) The power to sue and be sued.
- 30                 (5) The power to plan, design, construct, finance, manage, own,

- 1 lease, operate, and maintain facilities for solid waste  
2 management.
- 3 (6) The power to enter with any person into a contract or an  
4 agreement that is necessary or incidental to the management of  
5 solid waste. Contracts or agreements that may be entered into  
6 under this subdivision include those for the following:
- 7 (A) The design, construction, operation, financing, ownership,  
8 or maintenance of facilities by the district or any other person.  
9 (B) The managing or disposal of solid waste.  
10 (C) The sale or other disposition of materials or products  
11 generated by a facility.
- 12 Notwithstanding any other statute, the maximum term of a  
13 contract or an agreement described in this subdivision may not  
14 exceed forty (40) years.
- 15 (7) The power to enter into agreements for the leasing of facilities  
16 in accordance with IC 36-1-10 or IC 36-9-30.
- 17 (8) The power to purchase, lease, or otherwise acquire real or  
18 personal property for the management or disposal of solid waste.
- 19 (9) The power to sell or lease any facility or part of a facility to  
20 any person.
- 21 (10) The power to make and contract for plans, surveys, studies,  
22 and investigations necessary for the management or disposal of  
23 solid waste.
- 24 (11) The power to enter upon property to make surveys,  
25 soundings, borings, and examinations.
- 26 (12) The power to:
- 27 (A) accept gifts, grants, loans of money, other property, or  
28 services from any source, public or private; and  
29 (B) comply with the terms of the gift, grant, or loan.
- 30 (13) The power to levy a tax within the district to pay costs of  
31 operation in connection with solid waste management, subject to  
32 the following:
- 33 (A) Regular budget and tax levy procedures.  
34 (B) Section 16 of this chapter.
- 35 However, except as provided in sections 15 and 15.5 of this  
36 chapter, a property tax rate imposed under this article may not  
37 exceed eight and thirty-three hundredths cents (\$0.0833) on each  
38 one hundred dollars (\$100) of assessed valuation of property in  
39 the district.
- 40 (14) The power to borrow in anticipation of taxes.
- 41 (15) The power to hire the personnel necessary for the  
42 management or disposal of solid waste in accordance with an  
43 approved budget and to contract for professional services.
- 44 (16) The power to otherwise do all things necessary for the:
- 45 (A) reduction, management, and disposal of solid waste; and  
46 (B) recovery of waste products from the solid waste stream;

- 1 if the primary purpose of activities undertaken under this  
 2 subdivision is to carry out the provisions of this article.
- 3 (17) The power to adopt resolutions that have the force of law.  
 4 However, a resolution is not effective in a municipality unless the  
 5 municipality adopts the language of the resolution by ordinance  
 6 or resolution.
- 7 (18) The power to do the following:
- 8 (A) Implement a household hazardous waste and conditionally  
 9 exempt small quantity generator (as described in 40 CFR  
 10 261.5(a)) collection and disposal project.
- 11 (B) Apply for a household hazardous waste collection and  
 12 disposal project grant under IC 13-20-20 and carry out all  
 13 commitments contained in a grant application.
- 14 (C) Establish and maintain a program of self-insurance for a  
 15 household hazardous waste and conditionally exempt small  
 16 quantity generator (as described in 40 CFR 261.5(a))  
 17 collection and disposal project, so that at the end of the  
 18 district's fiscal year the unused and unencumbered balance of  
 19 appropriated money reverts to the district's general fund only  
 20 if the district's board specifically provides by resolution to  
 21 discontinue the self-insurance fund.
- 22 (D) Apply for a household hazardous waste project grant as  
 23 described in IC 13-20-22-2 and carry out all commitments  
 24 contained in a grant application.
- 25 (19) The power to enter into an interlocal cooperation agreement  
 26 under IC 36-1-7 to obtain:
- 27 (A) fiscal;  
 28 (B) administrative;  
 29 (C) managerial; or  
 30 (D) operational;  
 31 services from a county or municipality.
- 32 (20) The power to compensate advisory committee members for  
 33 attending meetings at a rate determined by the board.
- 34 (21) The power to reimburse board and advisory committee  
 35 members for travel and related expenses at a rate determined by  
 36 the board.
- 37 (22) The power to pay a fee from district money to:
- 38 (A) in a joint district, the county or counties in which a final  
 39 disposal facility is located; or  
 40 (B) a county that:
- 41 (i) was part of a joint district;  
 42 (ii) has withdrawn from the joint district as of January 1,  
 43 2008; and  
 44 (iii) has established its own district in which a final disposal  
 45 facility is located.
- 46 (23) The power to make grants or loans of:

- 1 (A) money;  
 2 (B) property; or  
 3 (C) services;  
 4 to public or private recycling programs, composting programs, or  
 5 any other programs that reuse any component of the waste stream  
 6 as a material component of another product, if the primary  
 7 purpose of activities undertaken under this subdivision is to carry  
 8 out the provisions of this article.
- 9 (24) The power to establish by resolution a nonreverting capital  
 10 fund. A district's board may appropriate money in the fund for:
- 11 (A) equipping;  
 12 (B) expanding;  
 13 (C) modifying; or  
 14 (D) remodeling;  
 15 an existing facility. Expenditures from a capital fund established  
 16 under this subdivision must further the goals and objectives  
 17 contained in a district's solid waste management plan. Not more  
 18 than five percent (5%) of the district's total annual budget for the  
 19 year may be transferred to the capital fund that year. The balance  
 20 in the capital fund may not exceed twenty-five percent (25%) of  
 21 the district's total annual budget. If a district's board determines  
 22 by resolution that a part of a capital fund will not be needed to  
 23 further the goals and objectives contained in the district's solid  
 24 waste management plan, that part of the capital fund may be  
 25 transferred to the district's general fund, to be used to offset  
 26 tipping fees, property tax revenues, or both tipping fees and  
 27 property tax revenues.
- 28 (25) The power to conduct promotional or educational programs  
 29 that include giving awards and incentives that further the district's  
 30 solid waste management plan.
- 31 (26) The power to conduct educational programs under  
 32 IC 13-20-17.5 to provide information to the public concerning:
- 33 (A) the reuse and recycling of mercury in:  
 34 (i) mercury commodities; and  
 35 (ii) mercury-added products; and  
 36 (B) collection programs available to the public for:  
 37 (i) mercury commodities; and  
 38 (ii) mercury-added products.
- 39 (27) The power to implement mercury collection programs under  
 40 IC 13-20-17.5 for the public and small businesses.
- 41 **(28) The power to conduct educational programs under**  
 42 **IC 13-20.5 to provide information to the public concerning:**  
 43 **(A) reuse and recycling of electronic waste;**  
 44 **(B) collection programs available to the public for the**  
 45 **disposal of electronic waste; and**  
 46 **(C) proper disposal of electronic waste."**

- 1 Page 33, delete lines 9 through 15.
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 433 as printed February 4, 2011.)

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Senator GARD