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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 10 |
| NO: | 0 |

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 131, 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:*

- 1 Page 3, line 17, delete ":" and insert "[EFFECTIVE JULY 1,
- 2 2012]:".
- 3 Page 4, delete lines 33 through 37.
- 4 Page 6, delete lines 27 through 42.
- 5 Delete pages 7 through 8.
- 6 Page 9, delete line 1.
- 7 Page 16, line 24, delete "2" and insert "1".
- 8 Page 19, between lines 7 and 8, begin a new paragraph and insert:
- 9 "SECTION 40. IC 13-20-17.5-6 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The ~~department,~~
- 11 ~~and districts in cooperation and with the support of the department,~~
- 12 shall implement ~~education~~ **educational** programs to provide
- 13 information to the public concerning:
- 14 (1) the reuse and recycling of mercury in:
- 15 (A) mercury commodities; and
- 16 (B) mercury-added products; and

- 1 (2) collection programs available to the public for:
- 2 (A) mercury commodities; and
- 3 (B) mercury-added products.
- 4 **(b) The department, with assistance from districts and other**
- 5 **appropriate persons, shall develop and provide districts with a**
- 6 **curriculum model that includes educational core principles**
- 7 **concerning the reuse, recycling, and collection of mercury. The**
- 8 **districts shall implement educational programs that meet the**
- 9 **minimum standards established by the department in the**
- 10 **curriculum model.**

11 ~~(b)~~ (c) Units, in cooperation and with the support of the department,
 12 may implement ~~education~~ **educational** programs to provide
 13 information to the public concerning:

- 14 (1) the reuse and recycling of mercury in:
- 15 (A) mercury commodities; and
- 16 (B) mercury-added products; and
- 17 (2) collection programs available to the public for:
- 18 (A) mercury commodities; and
- 19 (B) mercury-added products."

20 Page 25, between lines 9 and 10, begin a new paragraph and insert:
 21 "SECTION 41. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011,
 22 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2012]: Sec. 10. (a) Solid waste management districts shall
 24 conduct educational programs ~~under IC 13-21-3-12~~ to provide
 25 information to the public concerning:

- 26 (1) reuse and recycling of electronic waste;
- 27 (2) collection programs available to the public for the disposal of
- 28 electronic waste; and
- 29 (3) proper disposal of electronic waste.

30 **(b) The department, with assistance from solid waste**
 31 **management districts and other appropriate persons, shall provide**
 32 **solid waste management districts with a curriculum model that**
 33 **includes educational core principles concerning the reuse,**
 34 **recycling, collection, and proper disposal of solid waste. Solid waste**
 35 **management districts shall implement educational programs that**
 36 **meet the minimum standards established by the department in the**
 37 **curriculum model.**

38 SECTION 50. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE

1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2012]: **Sec. 4. (a) In 2015 and every fifth year thereafter, the**
3 **legislative council shall require an interim study committee or a**
4 **statutory study committee to:**

- 5 (1) **assess solid waste management districts; and**
- 6 (2) **determine whether any changes should be made to the**
7 **statutes governing solid waste management districts.**

8 (b) **An interim study committee or a statutory study committee**
9 **that assesses solid waste management districts under subsection (a)**
10 **shall issue a final report, in an electronic format under IC 5-14-6,**
11 **to the legislative council containing the committee's findings and**
12 **recommendations, including any recommended legislation, not**
13 **later than November 1 of the year in which an assessment is**
14 **conducted.**

15 SECTION 51. IC 13-21-3-12, AS AMENDED BY P.L.159-2011,
16 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 12. Except as provided in section 14.5 of this
18 chapter, the powers of a district include the following:

- 19 (1) The power to develop and implement a district solid waste
20 management plan under IC 13-21-5.
- 21 (2) The power to impose district fees on the final disposal of solid
22 waste within the district under IC 13-21-13.
- 23 (3) The power to receive and disburse money, if the primary
24 purpose of activities undertaken under this subdivision is to carry
25 out the provisions of this article.
- 26 (4) The power to sue and be sued.
- 27 (5) The power to plan, design, construct, finance, manage, own,
28 lease, operate, and maintain facilities for solid waste
29 management.
- 30 (6) The power to enter with any person into a contract or an
31 agreement that is necessary or incidental to the management of
32 solid waste. Contracts or agreements that may be entered into
33 under this subdivision include those for the following:
 - 34 (A) The design, construction, operation, financing, ownership,
35 or maintenance of facilities by the district or any other person.
 - 36 (B) The managing or disposal of solid waste.
 - 37 (C) The sale or other disposition of materials or products
38 generated by a facility.

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

1 However, a resolution is not effective in a municipality unless the
2 municipality adopts the language of the resolution by ordinance
3 or resolution.

4 (18) The power to do the following:

5 (A) Implement a household hazardous waste and conditionally
6 exempt small quantity generator (as described in 40 CFR
7 261.5(a)) collection and disposal project.

8 (B) Apply for a household hazardous waste collection and
9 disposal project grant under IC 13-20-20 and carry out all
10 commitments contained in a grant application.

11 (C) Establish and maintain a program of self-insurance for a
12 household hazardous waste and conditionally exempt small
13 quantity generator (as described in 40 CFR 261.5(a))
14 collection and disposal project, so that at the end of the
15 district's fiscal year the unused and unencumbered balance of
16 appropriated money reverts to the district's general fund only
17 if the district's board specifically provides by resolution to
18 discontinue the self-insurance fund.

19 (D) Apply for a household hazardous waste project grant as
20 described in IC 13-20-22-2 and carry out all commitments
21 contained in a grant application.

22 (19) The power to enter into an interlocal cooperation agreement
23 under IC 36-1-7 to obtain:

24 (A) fiscal;

25 (B) administrative;

26 (C) managerial; or

27 (D) operational;

28 services from a county or municipality.

29 (20) The power to compensate advisory committee members for
30 attending meetings at a rate determined by the board.

31 (21) The power to reimburse board and advisory committee
32 members for travel and related expenses at a rate determined by
33 the board.

34 (22) The power to pay a fee from district money to:

35 (A) in a joint district, the county or counties in which a final
36 disposal facility is located; or

37 (B) a county that:

38 (i) was part of a joint district;

- 1 (ii) has withdrawn from the joint district as of January 1,
 2 2008; and
 3 (iii) has established its own district in which a final disposal
 4 facility is located.
- 5 (23) The power to make grants or loans of:
 6 (A) money;
 7 (B) property; or
 8 (C) services;
 9 to public or private recycling programs, composting programs, or
 10 any other programs that reuse any component of the waste stream
 11 as a material component of another product, if the primary
 12 purpose of activities undertaken under this subdivision is to carry
 13 out the provisions of this article.
- 14 (24) The power to establish by resolution a nonreverting capital
 15 fund. A district's board may appropriate money in the fund for:
 16 (A) equipping;
 17 (B) expanding;
 18 (C) modifying; or
 19 (D) remodeling;
 20 an existing facility. Expenditures from a capital fund established
 21 under this subdivision must further the goals and objectives
 22 contained in a district's solid waste management plan. Not more
 23 than five percent (5%) of the district's total annual budget for the
 24 year may be transferred to the capital fund that year. The balance
 25 in the capital fund may not exceed twenty-five percent (25%) of
 26 the district's total annual budget. If a district's board determines
 27 by resolution that a part of a capital fund will not be needed to
 28 further the goals and objectives contained in the district's solid
 29 waste management plan, that part of the capital fund may be
 30 transferred to the district's general fund, to be used to offset
 31 tipping fees, property tax revenues, or both tipping fees and
 32 property tax revenues.
- 33 (25) The power to conduct promotional or educational programs
 34 that include giving awards and incentives that further:
 35 **(A) the district's solid waste management plan; and**
 36 **(B) the objectives of minimum educational standards**
 37 **established by the department of environmental**
 38 **management.**

- 1 (26) The power to conduct educational programs under
 2 IC 13-20-17.5 to provide information to the public concerning:
 3 (A) the reuse and recycling of mercury in:
 4 (i) mercury commodities; and
 5 (ii) mercury-added products; and
 6 (B) collection programs available to the public for:
 7 (i) mercury commodities; and
 8 (ii) mercury-added products.
- 9 (27) The power to implement mercury collection programs under
 10 IC 13-20-17.5 for the public and small businesses.
- 11 (28) The power to conduct educational programs under
 12 IC 13-20.5 to provide information to the public concerning:
 13 (A) reuse and recycling of electronic waste;
 14 (B) collection programs available to the public for the disposal
 15 of electronic waste; and
 16 (C) proper disposal of electronic waste.
- 17 SECTION 52. IC 13-21-3-13.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section~~
 19 ~~does not apply to the following:~~
 20 ~~(1) A nonreverting capital fund established under section 12(24)~~
 21 ~~of this chapter.~~
 22 ~~(2) A fund established under IC 13-21-7-8.~~
 23 ~~(3) The waste management district bond fund established under~~
 24 ~~IC 13-21-7-10.~~
 25 ~~(4) A fund established to secure the payment of principal and~~
 26 ~~interest under IC 13-21-12-1(12).~~
- 27 ~~(b)~~ At the end of each year the district shall prepare, **on a form**
 28 **designed by the department of local government finance**, a report
 29 **that is accessible through the computer gateway administered by**
 30 **the office of technology established by IC 4-13.1-2-1 and** that
 31 provides the following information:
 32 (1) For each fund that contains district money:
 33 (A) the cash balance at the end of the year;
 34 (B) a list of all encumbrances on the fund that the district is
 35 legally obligated to pay;
 36 (C) a copy of documentation that supports each encumbrance
 37 listed in clause (B);
 38 (D) the fund balance obtained by subtracting the amount under

1 clause (B) from the amount under clause (A); ~~and~~
2 (E) the total expenditures from the fund for the year; **and**
3 **(F) any other financial information required by the**
4 **department.**

5 (2) The total of all fund balances calculated under subdivision
6 (1)(D).

7 (3) The total of all fund expenditures reported under subdivision
8 (1)(E).

9 **(4) Any programmatic information required by the**
10 **department.**

11 **(5) The total amount of expenditures by the district for the**
12 **year.**

13 **(6) The per capita expenditures by the district for the year.**

14 **(7) The amount of expenditures by the district for the year for**
15 **personnel costs.**

16 **(8) The amount of expenditures by the district for the year for**
17 **program costs (excluding personnel costs).**

18 **(9) The total amount of solid waste (in tons) disposed of in the**
19 **district for the year for which the district is directly**
20 **responsible.**

21 **(10) The total amount of recycling (in tons) carried out in the**
22 **district in the year for which the district is directly**
23 **responsible.**

24 ~~(e)~~ **(b)** The district shall provide the report ~~developed~~ **prepared**
25 **under subsection ~~(b)~~ (a):**

26 **(1) to the department and to the department of local government**
27 **finance in a format prescribed by the department; and the**
28 **environmental quality service**

29 **(2) to the legislative council in an electronic format under**
30 **IC 5-14-6;**

31 by February 1 of the year following the year for which the report is
32 made.

33 **(c) The district shall publish the annual report prepared under**
34 **subsection (a) on an Internet web site maintained by the district or**
35 **on the Internet web sites maintained by the counties that are**
36 **members of the district."**

37 Page 28, delete lines 28 through 42, begin a new paragraph and
38 insert:

1 "SECTION 60. [EFFECTIVE UPON PASSAGE] (a) The
2 **commission on state tax and financing policy established under**
3 **IC 2-5-3 shall, during the interim in 2012 between sessions of the**
4 **general assembly, study issues related to the financing of solid**
5 **waste management districts, including:**

- 6 (1) **property tax levies allowed under IC 13-21 and related**
- 7 statutes under IC 6-1.1;
- 8 (2) **district final disposal fees set forth in IC 13-21-13;**
- 9 (3) **district solid waste management fees set forth in**
- 10 **IC 13-21-14; and**
- 11 (4) **any other funding sources that are available to and used**
- 12 **by districts.**

13 **(b) The environmental quality service council established under**
14 **IC 13-13-7-1 shall, during the interim in 2012 between sessions of**
15 **the general assembly, study issues concerning the powers of solid**
16 **waste management districts to:**

- 17 (1) **establish and issue permits; and**
- 18 (2) **impose and collect fees;**
- 19 **that are not specifically authorized by a statute.**

20 **(c) This SECTION expires January 1, 2013.**

21 **SECTION 61. An emergency is declared for this act."**

22 Delete pages 29 through 31.

23 Renumber all SECTIONS consecutively.

(Reference is to SB 131 as printed January 24, 2012.)

and when so amended that said bill do pass.

Representative Wolkins