
SENATE BILL No. 210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 13-20-17.5-6; IC 13-20.5-7-10; IC 13-21.

Synopsis: Solid waste management district matters. Eliminates the authority of a solid waste management district (SWMD) to impose property taxes, except to pay currently outstanding bonds or to pay bonds issued to refund the outstanding bonds. Provides that if a county withdraws from a joint SWMD or has designated itself as a county SWMD, the county may adopt an ordinance specifying that the county may not be part of a joint SWMD and may not be designated as a county SWMD. (Current law requires that a county must either be a member of a joint SWMD or to designate itself as a county SWMD.) Provides that a county adopting such an ordinance is not subject to the SWMD statutes and is not a SWMD or part of a joint SWMD. Specifies that a county adopting such an ordinance remains responsible for obligations incurred before the county left the SWMD (in the case of a county that was part of a joint SWMD) or before the county terminated the county SWMD (in the case of a county that had designated itself as a county SWMD). Requires districts to: (1) implement minimum educational standards established by the department of environmental management; and (2) report programmatic and financial information to the legislative council and the department of environmental management. Requires the general assembly to evaluate the continued existence of SWMDs every 10 years. Provides that districts may not require a person to obtain a permit before the person may engage in an activity.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Appropriations.



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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 210



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, 2012]: 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



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be completed before September 10 of the calendar year.
(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):
(1) in any county of the solid waste management district; and
(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

In formulating the budget of a solid waste management district under this section for 2013 and thereafter, the board of directors of the solid waste management district shall consider that the district may not levy a property tax, except as provided in IC 13-21-7-1(d).

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

- ~~(1) The cost of child services (as defined in IC 12-19-7-1 of the county payable from the family and children's fund.~~
- ~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1 of the county payable from the children's psychiatric residential treatment services fund.~~

~~A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.~~

SECTION 2. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

- (1) property tax rate or rates; or
- (2) special benefits tax rate or rates;

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

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection

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1 (e) for taxes first due and payable in 2003 if subsection (e) had applied
 2 for taxes first due and payable in 2003.

3 (c) The maximum rate must be adjusted each year to account for the
 4 change in assessed value of real property that results from:

5 (1) an annual adjustment of the assessed value of real property
 6 under IC 6-1.1-4-4.5; or

7 (2) a general reassessment of real property under IC 6-1.1-4-4.

8 (d) The statutes to which subsection (a) refers are:

9 (1) IC 8-10-5-17;

10 (2) IC 8-22-3-11;

11 (3) IC 8-22-3-25;

12 (4) IC 12-29-1-1;

13 (5) IC 12-29-1-2;

14 (6) IC 12-29-1-3;

15 (7) IC 12-29-3-6;

16 ~~(8) IC 13-21-3-12;~~

17 ~~(9) IC 13-21-3-15;~~

18 ~~(10) (8) IC 14-27-6-30;~~

19 ~~(11) (9) IC 14-33-7-3;~~

20 ~~(12) (10) IC 14-33-21-5;~~

21 ~~(13) (11) IC 15-14-7-4;~~

22 ~~(14) (12) IC 15-14-9-1;~~

23 ~~(15) (13) IC 15-14-9-2;~~

24 ~~(16) (14) IC 16-20-2-18;~~

25 ~~(17) (15) IC 16-20-4-27;~~

26 ~~(18) (16) IC 16-20-7-2;~~

27 ~~(19) (17) IC 16-22-14;~~

28 ~~(20) (18) IC 16-23-1-29;~~

29 ~~(21) (19) IC 16-23-3-6;~~

30 ~~(22) (20) IC 16-23-4-2;~~

31 ~~(23) (21) IC 16-23-5-6;~~

32 ~~(24) (22) IC 16-23-7-2;~~

33 ~~(25) (23) IC 16-23-8-2;~~

34 ~~(26) (24) IC 16-23-9-2;~~

35 ~~(27) (25) IC 16-41-15-5;~~

36 ~~(28) (26) IC 16-41-33-4;~~

37 ~~(29) IC 20-46-2-3 (before its repeal on January 1, 2009);~~

38 ~~(30) (27) IC 20-46-6-5;~~

39 ~~(31) (28) IC 20-49-2-10;~~

40 ~~(32) (29) IC 36-1-19-1;~~

41 ~~(33) (30) IC 23-14-66-2;~~

42 ~~(34) (31) IC 23-14-67-3;~~

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1 ~~(35)~~ **(32)** IC 36-7-13-4;
 2 ~~(36)~~ **(33)** IC 36-7-14-28;
 3 ~~(37)~~ **(34)** IC 36-7-15.1-16;
 4 ~~(38)~~ **(35)** IC 36-8-19-8.5;
 5 ~~(39)~~ **(36)** IC 36-9-6.1-2;
 6 ~~(40)~~ **(37)** IC 36-9-17.5-4;
 7 ~~(41)~~ **(38)** IC 36-9-27-73;
 8 ~~(42)~~ **(39)** IC 36-9-29-31;
 9 ~~(43)~~ **(40)** IC 36-9-29.1-15;
 10 ~~(44)~~ **(41)** IC 36-10-6-2;
 11 ~~(45)~~ **(42)** IC 36-10-7-7;
 12 ~~(46)~~ **(43)** IC 36-10-7-8;
 13 ~~(47)~~ **(44)** IC 36-10-7.5-19;
 14 ~~(48)~~ **(45)** IC 36-10-13-5;
 15 ~~(49)~~ **(46)** IC 36-10-13-7;
 16 ~~(50)~~ **(47)** IC 36-10-14-4;
 17 ~~(51)~~ **(48)** IC 36-12-7-7;
 18 ~~(52)~~ **(49)** IC 36-12-7-8;
 19 ~~(53)~~ **(50)** IC 36-12-12-10; and
 20 ~~(54)~~ **(51)** any statute enacted after December 31, 2003, that:
 21 (A) establishes a maximum rate for any part of the:
 22 (i) property taxes; or
 23 (ii) special benefits taxes;
 24 imposed by a political subdivision; and
 25 (B) does not exempt the maximum rate from the adjustment
 26 under this section.
 27 (e) The new maximum rate under a statute listed in subsection (d)
 28 is the tax rate determined under STEP SEVEN of the following STEPS:
 29 STEP ONE: Determine the maximum rate for the political
 30 subdivision levying a property tax or special benefits tax under
 31 the statute for the year preceding the year in which the annual
 32 adjustment or general reassessment takes effect.
 33 STEP TWO: Except as provided in subsection (g), determine the
 34 actual percentage change (rounded to the nearest one-hundredth
 35 percent (0.01%)) in the assessed value (before the adjustment, if
 36 any, under IC 6-1.1-4-4.5) of the taxable property from the year
 37 preceding the year the annual adjustment or general reassessment
 38 takes effect to the year that the annual adjustment or general
 39 reassessment takes effect.
 40 STEP THREE: Determine the three (3) calendar years that
 41 immediately precede the ensuing calendar year and in which a
 42 statewide general reassessment of real property does not first take

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1 effect.

2 STEP FOUR: Except as provided in subsection (g), compute
3 separately, for each of the calendar years determined in STEP
4 THREE, the actual percentage change (rounded to the nearest
5 one-hundredth percent (0.01%)) in the assessed value (before the
6 adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property
7 from the preceding year.

8 STEP FIVE: Divide the sum of the three (3) quotients computed
9 in STEP FOUR by three (3).

10 STEP SIX: Determine the greater of the following:

11 (A) Zero (0).

12 (B) The result of the STEP TWO percentage minus the STEP
13 FIVE percentage.

14 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
15 divided by the sum of one (1) plus the STEP SIX percentage
16 increase.

17 (f) The department of local government finance shall compute the
18 maximum rate allowed under subsection (e) and provide the rate to
19 each political subdivision with authority to levy a tax under a statute
20 listed in subsection (d).

21 (g) This subsection applies to STEP TWO and STEP FOUR of
22 subsection (e) for taxes first due and payable after 2011. If the assessed
23 value change used in the STEPS was not an increase, the STEPS are
24 applied using instead:

25 (1) the actual percentage decrease (rounded to the nearest
26 one-hundredth percent (0.01%)) in the assessed value (before the
27 adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property;
28 or

29 (2) zero (0) if the assessed value did not increase or decrease.

30 SECTION 3. IC 13-20-17.5-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) ~~The department,~~
32 ~~and Districts in cooperation and with the support of the department,~~
33 shall implement ~~education~~ **educational** programs to provide
34 information to the public concerning:

35 (1) the reuse and recycling of mercury in:

36 (A) mercury commodities; and

37 (B) mercury-added products; and

38 (2) collection programs available to the public for:

39 (A) mercury commodities; and

40 (B) mercury-added products.

41 **(b) The department shall develop and provide districts with a**
42 **curriculum model that includes educational core principles.**

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1 **Districts shall implement educational programs that meet the**
 2 **minimum standards established by the department in the**
 3 **curriculum model.**

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

- 7 (1) the reuse and recycling of mercury in:
 8 (A) mercury commodities; and
 9 (B) mercury-added products; and
 10 (2) collection programs available to the public for:
 11 (A) mercury commodities; and
 12 (B) mercury-added products.

13 SECTION 4. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011,
 14 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 10. (a) Solid waste management districts shall
 16 conduct educational programs ~~under IC 13-21-3-12~~ to provide
 17 information to the public concerning:

- 18 (1) reuse and recycling of electronic waste;
 19 (2) collection programs available to the public for the disposal of
 20 electronic waste; and
 21 (3) proper disposal of electronic waste.

22 **(b) The department shall provide solid waste management**
 23 **districts with a curriculum model that includes educational core**
 24 **principles. Solid waste management districts shall implement**
 25 **educational programs that meet the minimum standards**
 26 **established by the department in a curriculum model.**

27 SECTION 5. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2012]: Sec. 4. **Beginning with an assessment made in 2013, the**
 30 **general assembly shall assess the continued existence of solid waste**
 31 **management districts every ten (10) years.**

32 SECTION 6. IC 13-21-3-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as
 34 provided in subsection (b) **and (d)**, each county shall, by ordinance of
 35 the county executive:

- 36 (1) join with one (1) or more other counties in establishing a joint
 37 solid waste management district that includes the entire area of all
 38 the acting counties; or
 39 (2) designate itself as a county solid waste management district.

40 (b) Notwithstanding subsection (a)(1), if a county withdraws from
 41 a joint solid waste management district under IC 13-21-4, the county
 42 executive of the county may **do any of the following:**

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- 1 (1) Adopt an ordinance to join another or establish another joint
 2 solid waste management district with one (1) or more other
 3 counties:
- 4 (1) (A) not earlier than fifteen (15) days; or
 5 (2) (B) not later than forty-five (45) days;
 6 after the date the ordinance is introduced.
- 7 (2) **Adopt an ordinance designating the county as a county**
 8 **solid waste management district.**
- 9 (3) **Adopt an ordinance specifying that the county:**
- 10 (A) **may not be part of a joint solid waste management**
 11 **district; and**
- 12 (B) **may not be designated as a county solid waste**
 13 **management district.**
- 14 (c) An ordinance adopted under subsection (a)(1) or ~~(b)~~ (b)(1) must
 15 include the approval of an agreement governing the operation of the
 16 joint district.
- 17 (d) **If a county that has designated itself as a county solid waste**
 18 **management district wishes to terminate the district and not be**
 19 **part of any district, the county executive may adopt an ordinance**
 20 **terminating the district and specifying that the county:**
- 21 (1) **may not be part of a joint solid waste management**
 22 **district; and**
- 23 (2) **may no longer be designated as a county solid waste**
 24 **management district.**
- 25 (e) **If a county withdrawing from a joint solid waste**
 26 **management district under IC 13-21-4 adopts an ordinance under**
 27 **subsection (b)(3), the county is subject to IC 13-21-4 (concerning**
 28 **withdrawal or removal of counties from solid waste management**
 29 **districts). After the date the withdrawal of such a county from a**
 30 **joint district is effective under IC 13-21-4, the county is no longer**
 31 **subject to this article, and the county is not a district or part of any**
 32 **joint district. However, the county is responsible for its share of**
 33 **legal obligations as provided under IC 13-21-4.**
- 34 (f) **If the county executive of a county that has designated itself**
 35 **as a county solid waste management district adopts an ordinance**
 36 **under subsection (d), the termination of the district is effective on**
 37 **the effective date specified in the ordinance. Any assets of the**
 38 **district shall be transferred to the county upon termination of the**
 39 **district. After the termination of the district, the county is no**
 40 **longer subject to this article and the county is not a district or part**
 41 **of any joint district. However, the county is responsible for:**
- 42 (1) **any legal obligations of the district incurred before the**

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**termination of the district; and
(2) if the county was previously a member of a joint district,
the county's share of legal obligations (if any) as provided
under IC 13-21-4.**

(g) If a county fails to comply with this section, the commissioner shall designate the county as a solid waste management district.

SECTION 7. IC 13-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **If a county is a county solid waste management district or belongs to a joint solid waste management district,** all of the incorporated and unincorporated territory of a county must be included in the designated county solid waste management district or the joint solid waste management district to which the county belongs.

SECTION 8. IC 13-21-3-12, AS AMENDED BY P.L.159-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
 - (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
 - (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
 - (4) The power to sue and be sued.
 - (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
 - (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.
- Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.
- (7) The power to enter into agreements for the leasing of facilities

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- 1 in accordance with IC 36-1-10 or IC 36-9-30.
- 2 (8) The power to purchase, lease, or otherwise acquire real or
- 3 personal property for the management or disposal of solid waste.
- 4 (9) The power to sell or lease any facility or part of a facility to
- 5 any person.
- 6 (10) The power to make and contract for plans, surveys, studies,
- 7 and investigations necessary for the management or disposal of
- 8 solid waste.
- 9 (11) The power to enter upon property to make surveys,
- 10 soundings, borings, and examinations.
- 11 (12) The power to:
- 12 (A) accept gifts, grants, loans of money, other property, or
- 13 services from any source, public or private; and
- 14 (B) comply with the terms of the gift, grant, or loan.
- 15 (13) **For property taxes first due and payable before 2013**, the
- 16 power to levy a tax within the district to pay costs of operation in
- 17 connection with solid waste management, subject to the
- 18 following:
- 19 (A) Regular budget and tax levy procedures.
- 20 (B) Section 16 of this chapter **(before its repeal)**.
- 21 However, ~~except as provided in sections 15 and 15.5 of this~~
- 22 ~~chapter~~, a property tax rate imposed under this article may not
- 23 exceed eight and thirty-three hundredths cents (\$0.0833) on each
- 24 one hundred dollars (\$100) of assessed valuation of property in
- 25 the district.
- 26 (14) The power to borrow in anticipation of ~~taxes~~ **revenue**.
- 27 (15) The power to hire the personnel necessary for the
- 28 management or disposal of solid waste in accordance with an
- 29 approved budget and to contract for professional services.
- 30 (16) The power to otherwise do all things necessary for the:
- 31 (A) reduction, management, and disposal of solid waste; and
- 32 (B) recovery of waste products from the solid waste stream;
- 33 if the primary purpose of activities undertaken under this
- 34 subdivision is to carry out the provisions of this article.
- 35 (17) The power to adopt resolutions that have the force of law.
- 36 However, a resolution is not effective in a municipality unless the
- 37 municipality adopts the language of the resolution by ordinance
- 38 or resolution.
- 39 (18) The power to do the following:
- 40 (A) Implement a household hazardous waste and conditionally
- 41 exempt small quantity generator (as described in 40 CFR
- 42 261.5(a)) collection and disposal project.

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- 1 (B) Apply for a household hazardous waste collection and
- 2 disposal project grant under IC 13-20-20 and carry out all
- 3 commitments contained in a grant application.
- 4 (C) Establish and maintain a program of self-insurance for a
- 5 household hazardous waste and conditionally exempt small
- 6 quantity generator (as described in 40 CFR 261.5(a))
- 7 collection and disposal project, so that at the end of the
- 8 district's fiscal year the unused and unencumbered balance of
- 9 appropriated money reverts to the district's general fund only
- 10 if the district's board specifically provides by resolution to
- 11 discontinue the self-insurance fund.
- 12 (D) Apply for a household hazardous waste project grant as
- 13 described in IC 13-20-22-2 and carry out all commitments
- 14 contained in a grant application.
- 15 (19) The power to enter into an interlocal cooperation agreement
- 16 under IC 36-1-7 to obtain:
 - 17 (A) fiscal;
 - 18 (B) administrative;
 - 19 (C) managerial; or
 - 20 (D) operational;
- 21 services from a county or municipality.
- 22 (20) The power to compensate advisory committee members for
- 23 attending meetings at a rate determined by the board.
- 24 (21) The power to reimburse board and advisory committee
- 25 members for travel and related expenses at a rate determined by
- 26 the board.
- 27 (22) The power to pay a fee from district money to:
 - 28 (A) in a joint district, the county or counties in which a final
 - 29 disposal facility is located; or
 - 30 (B) a county that:
 - 31 (i) was part of a joint district;
 - 32 (ii) has withdrawn from the joint district as of January 1,
 - 33 2008; and
 - 34 (iii) has established its own district in which a final disposal
 - 35 facility is located.
- 36 (23) The power to make grants or loans of:
 - 37 (A) money;
 - 38 (B) property; or
 - 39 (C) services;
- 40 to public or private recycling programs, composting programs, or
- 41 any other programs that reuse any component of the waste stream
- 42 as a material component of another product, if the primary

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

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1 of electronic waste; and
 2 (C) proper disposal of electronic waste.
 3 **(b) Except as provided in IC 13-21-7-1(d), a district may not**
 4 **levy a property tax that is first due and payable after 2012.**
 5 SECTION 9. IC 13-21-3-13.5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section~~
 7 ~~does not apply to the following:~~
 8 ~~(1) A nonreverting capital fund established under section 12(24)~~
 9 ~~of this chapter.~~
 10 ~~(2) A fund established under IC 13-21-7-8.~~
 11 ~~(3) The waste management district bond fund established under~~
 12 ~~IC 13-21-7-10.~~
 13 ~~(4) A fund established to secure the payment of principal and~~
 14 ~~interest under IC 13-21-12-1(12).~~
 15 ~~(b) At the end of each year the district shall prepare a report that~~
 16 ~~provides the following information:~~
 17 ~~(1) For each fund that contains district money:~~
 18 ~~(A) the cash balance at the end of the year;~~
 19 ~~(B) a list of all encumbrances on the fund that the district is~~
 20 ~~legally obligated to pay;~~
 21 ~~(C) a copy of documentation that supports each encumbrance~~
 22 ~~listed in clause (B);~~
 23 ~~(D) the fund balance obtained by subtracting the amount under~~
 24 ~~clause (B) from the amount under clause (A); and~~
 25 ~~(E) the total expenditures from the fund for the year; and~~
 26 **(F) any other financial information required by the**
 27 **department.**
 28 ~~(2) The total of all fund balances calculated under subdivision~~
 29 ~~(1)(D).~~
 30 ~~(3) The total of all fund expenditures reported under subdivision~~
 31 ~~(1)(E).~~
 32 **(4) Any programmatic information required by the**
 33 **department.**
 34 ~~(c) (b) The district shall provide the report developed under~~
 35 ~~subsection (b) (a), in a format prescribed by the department, to the~~
 36 ~~department, the department of local government finance, and the~~
 37 ~~environmental quality service and the legislative council in an~~
 38 ~~electronic format under IC 5-14-6 by February 1 of the year~~
 39 ~~following the year for which the report is made.~~
 40 SECTION 10. IC 13-21-3-14, AS AMENDED BY P.L.220-2011,
 41 SECTION 284, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This section does not apply

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1 to a contract executed before April 1, 1998.

2 (b) Except as provided in subsection (d) and section 14.5 of this

3 chapter, the powers of a district do not include the following:

4 (1) The power of eminent domain.

5 (2) Except as provided in subsection (c), the power to exclusively

6 control the collection or disposal of any solid waste or recyclables

7 within the district by means that include the following:

8 (A) Franchising.

9 (B) Establishing a territory or territories within the district in

10 which a person may provide service.

11 (3) The power to establish the type of service that a person must

12 provide for the collection or disposal of solid waste or recyclables

13 within the district.

14 (4) The power to establish fees that a person must charge for the

15 collection or disposal of solid waste or recyclables within the

16 district.

17 (5) **Except as expressly granted by statute**, the power to ~~issue~~

18 ~~permits for an~~ **require a person to obtain a permit from the**

19 **district before the person may engage in an** activity, ~~that~~

20 **regardless of whether the activity:**

21 (A) is already permitted by a state agency; ~~except as expressly~~

22 ~~granted by statute.~~ **or**

23 **(B) is not regulated by a federal or state law.**

24 (c) If one (1) or more of the governmental entities in a district, at the

25 time of the formation of the district, is a party to a contract providing

26 that the persons contracted with have the exclusive right to collect or

27 dispose of solid waste within the jurisdiction of the governmental

28 entity, the district may enter into an extension of that contract.

29 (d) Subsection ~~(b)~~ **does (b)(1) through (b)(4) do** not apply to

30 activities conducted as part of a household hazardous waste collection

31 and disposal project.

32 SECTION 11. IC 13-21-3-14.5, AS AMENDED BY P.L.220-2011,

33 SECTION 285, IS AMENDED TO READ AS FOLLOWS

34 [EFFECTIVE JULY 1, 2012]: Sec. 14.5. (a) This section does not

35 apply to the following:

36 (1) The continuation of waste management services that a solid

37 waste district provides with its facilities or work force before

38 March 15, 1996.

39 (2) Waste management services provided to the district under an

40 agreement entered into by the district before March 15, 1996,

41 with another person until the agreement terminates by its terms or

42 is terminated for cause.

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- 1 (3) The development, operation, and contracting for the
- 2 development or operation of a publicly owned solid waste landfill
- 3 in a county having a population of more than one hundred ~~ten~~
- 4 **eleven** thousand (~~110,000~~) (**111,000**) but less than one hundred
- 5 fifteen thousand (115,000). The operation of the landfill must
- 6 have begun before July 1, 2001.
- 7 (4) A contract entered into between the board and a third party
- 8 before May 1, 1997, for the development or operation of a solid
- 9 waste landfill in a county having a population of more than four
- 10 hundred thousand (400,000) but less than seven hundred thousand
- 11 (700,000). The third party is limited to those parties that
- 12 submitted proposals to the board under a formal request for
- 13 proposals that were selected by the board, before December 1,
- 14 1995, as finalists in the contract negotiations.
- 15 (5) A contract between a board and a third party to operate a
- 16 facility that is owned by the district and for which construction
- 17 was substantially complete before March 1, 1996.
- 18 (6) Activities conducted as part of household hazardous waste (as
- 19 defined in IC 13-11-2-104) collection and disposal projects.
- 20 (7) A contract executed before April 1, 1998.
- 21 (b) Except as provided in subsection (c), a district may not:
- 22 (1) undertake to provide waste management services by means of
- 23 its own work force; or
- 24 (2) contract with any person to provide waste management
- 25 services.
- 26 (c) A district may perform the activities described in subsection (b):
- 27 (1) if:
- 28 (A) the board is able to adopt a resolution under subsection
- 29 (d); and
- 30 (B) a private sector entity is not willing or able to provide
- 31 waste management services at a reasonable cost to the district;
- 32 or
- 33 (2) if the district is requested to do so by a unit of government that
- 34 performs the activities with the unit's work force.
- 35 (d) The board may adopt a resolution determining that the district
- 36 must either provide waste management services by means of its own
- 37 work force or contract with a person to provide waste management
- 38 services, only if the board finds that:
- 39 (1) the waste management service is not currently available in the
- 40 district at a reasonable cost; and
- 41 (2) providing the waste management service by means of its own
- 42 work force or by contract will benefit the public health, welfare,

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and safety of residents of the district.
 The board's determination must be supported with findings of fact.
 (e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.
 (f) Whenever a district evaluates the reasonableness of cost under this section, it shall:
 (1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and
 (2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:
 (A) Subsidies arising from taxes, fees, grants, or intergovernmental transfers.
 (B) In-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets.
 (C) Discounts.
 (D) Tax exemptions.
 (g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:
 (1) the duration of each event authorized by the resolution is not more than one (1) day; and
 (2) all events authorized by the resolution will take place in one (1) calendar year.
 SECTION 12. IC 13-21-3-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 15: (a) A district located in a county having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000) may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:
 (1) The district is in the process of constructing a landfill.
 (2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the

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landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section. Any additional levy granted under this section may not exceed seven and thirty-three hundredths cents (\$0.0733) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(c) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

(d) A property tax rate imposed under this section expires not later than December 31, 1997.

SECTION 13. IC 13-21-3-15.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 15.5: (a) A district may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district with respect to 2001 property taxes payable in 2002:

(1) imposed the maximum property tax rate established under section 12 of this chapter; and

(2) collected property tax revenue in an amount less than the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section.

(c) An additional levy granted under this section may not exceed the rate calculated to result in a property tax levy equal to the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(d) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

SECTION 14. IC 13-21-3-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 16: (a) The requirements of this section:

(1) are in addition to the requirements set forth in IC 6-1.1-18.5-7(b); and

(2) do not apply to a district that:

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell.

(b) To be eligible to include within the district's budget for the

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1 following year tax revenue derived from the imposition of a property
 2 tax; the first year that a property tax will be imposed and any
 3 subsequent year in which the proposed tax levy will increase by five
 4 percent (5%) or more; a board must present identical resolutions to
 5 each of the county fiscal bodies within the district seeking approval for
 6 the use of property tax revenue within the district. The resolution must
 7 state the proposed property tax levy and the proposed use of the
 8 revenue. The resolution must be stated so that:

9 (1) a "yes" vote indicates approval of the levy and the proposed
 10 use of property tax revenue within the district; and

11 (2) a "no" vote indicates disapproval of the levy and the proposed
 12 use of property tax revenue within the district.

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

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

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

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

23 (1) impose; or

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

25 a property tax for the year following the year in which the vote was
 26 taken.

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

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

36 SECTION 15. IC 13-21-3-21 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) Before the
 38 board of a district may adopt an annual budget, the budget must be:

39 (1) approved by the department of local government finance; and

40 (2) sent to:

41 (A) the executive; and

42 (B) the fiscal body;

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1 of each county and municipality located within the district as a
2 matter of record.

3 **(b) Each district shall provide to the department of local
4 government finance the information required under subsection (c)
5 concerning the district's budget and tax levies. The department of
6 local government finance shall post the information on the
7 department's interactive and searchable Internet web site
8 containing local government information (the Indiana gateway for
9 governmental units).**

10 **(c) The department of local government finance shall specify:
11 (1) the information concerning district budgets and tax levies
12 that must be provided under this section; and
13 (2) the format and timeline for providing the information.**

14 SECTION 16. IC 13-21-4-6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) If a county
16 withdraws from or the county executives of a joint district remove a
17 county from a joint district, the county must:

- 18 (1) designate itself as a new county district **under the procedures**
- 19 **set forth in IC 13-21-3;**
- 20 (2) join one (1) or more other counties to form a new joint district
- 21 **under the procedures set forth in IC 13-21-3; or**
- 22 (3) join an existing joint district under the procedures set forth in
- 23 IC 13-21-3; **or**
- 24 (4) **adopt an ordinance under IC 13-21-3-1(b)(3) or**
- 25 **IC 13-21-3-1(d) specifying that the county:**
 - 26 (A) **may not be part of a joint solid waste management**
 - 27 **district; and**
 - 28 (B) **may not be designated as a county solid waste**
 - 29 **management district.**

30 (b) If a county:
31 (1) designates itself as a new county district; or
32 (2) joins one (1) or more other counties to form a new joint
33 district;

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

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

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

41 SECTION 17. IC 13-21-7-1 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A special taxing

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1 district is established in each solid waste management district
 2 established under IC 13-21-3 or IC 13-9.5-2 (before its repeal) for the
 3 purpose of providing persons within the district with solid waste
 4 management service.

5 (b) The special taxing district is coterminous with the territory of the
 6 district.

7 **(c) Except as provided in subsection (d), a solid waste
 8 management district may not levy a property tax that is first due
 9 and payable after 2012.**

10 **(d) A solid waste district may levy a property tax that is first
 11 due and payable after 2012 for the purpose of paying bonds
 12 described in IC 13-21-7-9(b).**

13 SECTION 18. IC 13-21-7-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The board may
 15 **before July 1, 2012**, issue waste management district bonds under this
 16 chapter for the payment of the cost of the facility. Before authorizing
 17 the waste management district bonds, the board may:

18 (1) accept public bids for the facility; or

19 (2) adopt a resolution approving a request for proposals under
 20 IC 13-21-6.

21 **(b) Except as provided in subsection (c), a board may not issue
 22 bonds under this chapter after June 30, 2012.**

23 **(c) Bonds issued under this chapter may be refunded as
 24 provided in IC 13-21-10-1 if the maturity date of the refunding
 25 bonds is not later than the maturity of the bonds issued under this
 26 chapter.**

27 SECTION 19. IC 13-21-7-9 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) Subject to
 29 subsection (b)**, for the purpose of raising money to pay waste
 30 management district bonds issued under this chapter or IC 13-9.5-9-3
 31 (before its repeal), the board shall levy each year a special tax upon all
 32 the real property of the district in the amount and the manner necessary
 33 to meet and pay the following:

34 (1) The principal of the waste management district bonds as the
 35 bonds severally mature.

36 (2) All accruing interest on the bonds.

37 **(b) A tax may be levied under this section only to pay:**

38 **(1) waste management district bonds issued before July 1,
 39 2012, under this chapter or IC 13-9.5-9-3 (before its repeal);
 40 or**

41 **(2) subject to section 2(c) of this chapter, bonds issued as
 42 provided in IC 13-21-10-1 to refund bonds described in**

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1 **subdivision (1).**
 2 ~~(b)~~ (c) The tax constitutes the amount of benefits resulting to all of
 3 the property in the district.
 4 SECTION 20. IC 13-21-7-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The tax levied
 6 **each year to pay bonds described in section 9(b) of this chapter** shall
 7 be certified to the following:
 8 (1) The controller of the district.
 9 (2) The county auditor of each county within the district.
 10 (b) The:
 11 (1) county auditor shall estimate and enter the tax levied and
 12 certified upon the tax duplicate; and
 13 (2) county treasurer shall collect and enforce the tax;
 14 in the same manner as county taxes are estimated, entered, collected,
 15 and enforced.
 16 (c) As the county treasurer collects the tax, the tax shall be:
 17 (1) transferred to the controller of the district;
 18 (2) kept in a separate fund to be known as the waste management
 19 district bond fund; and
 20 (3) applied to the payment of the principal of and interest on the
 21 waste management district bonds as the bonds become due and to
 22 no other purpose, except as provided in IC 5-1-13 and IC 5-1-14.
 23 SECTION 21. IC 13-21-7-11 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) In fixing the
 25 amount of the necessary levy **to pay bonds described in section 9(b)**
 26 **of this chapter**, the board shall consider:
 27 (1) the amount of net revenues, if any, to be derived from the
 28 collection of fees under this article; or
 29 (2) any other net revenues collected under the following:
 30 (A) IC 13-21-3-13.
 31 (B) This chapter.
 32 (C) IC 13-21-8 through IC 13-21-12.
 33 (D) IC 13-21-14.
 34 (b) Instead of making the levy or to reduce the amount of the levy,
 35 the board shall annually set aside by resolution the amount of the net
 36 revenues to be collected before maturity of the principal and interest of
 37 the waste management district bonds payable in the following year.
 38 (c) If the board adopts this resolution under subsection (b), the
 39 board may not use any part of the amount set aside out of the net
 40 revenues for any purpose other than the payment of waste management
 41 district bonds and the interest on the bonds. A proportionate payment
 42 of this amount shall be made monthly to the fund.

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