

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Senate Bill No. 210, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 33 and 34, begin a new paragraph and insert:
2 "SECTION 2. IC 6-1.1-17-20, AS AMENDED BY P.L.113-2010,
3 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 20. (a) This section applies to each governing
5 body of a taxing unit that:
6 (1) is not comprised of a majority of officials who are elected to
7 serve on the governing body; and
8 (2) either:
9 (A) is:
10 (i) a conservancy district subject to IC 14-33-9;
11 (ii) a solid waste management district subject to IC 13-21;
12 or
13 (iii) a fire protection district subject to IC 36-8-11-18; or
14 (B) has a percentage increase in the proposed budget for the
15 taxing unit for the ensuing calendar year that is more than the
16 result of:
17 (i) the assessed value growth quotient determined under
18 IC 6-1.1-18.5-2 for the ensuing calendar year; minus
19 (ii) one (1).
20 For purposes of this section, an individual who qualifies to be
21 appointed to a governing body or serves on a governing body because

1 of the individual's status as an elected official of another taxing unit
2 shall be treated as an official who was not elected to serve on the
3 governing body.

4 (b) As used in this section, "taxing unit" has the meaning set forth
5 in IC 6-1.1-1-21, except that the term does not include:

6 (1) a school corporation; or

7 (2) an entity whose tax levies are subject to review and
8 modification by a city-county legislative body under IC 36-3-6-9.

9 (c) If:

10 (1) the assessed valuation of a taxing unit is entirely contained
11 within a city or town; or

12 (2) the assessed valuation of a taxing unit is not entirely contained
13 within a city or town but the taxing unit was originally established
14 by the city or town;

15 the governing body shall submit its proposed budget and property tax
16 levy to the city or town fiscal body. The proposed budget and levy shall
17 be submitted at least thirty (30) days before the city or town fiscal body
18 is required to hold budget approval hearings under this chapter.
19 However, in the case of a public library that is subject to this section
20 and is described in subdivision (2), the public library shall submit its
21 proposed budget and property tax levy to the county fiscal body in the
22 manner provided in subsection (d), rather than to the city or town fiscal
23 body, if more than fifty percent (50%) of the parcels of real property
24 within the jurisdiction of the public library are located outside the city
25 or town.

26 (d) If subsection (c) does not apply, the governing body of the taxing
27 unit shall submit its proposed budget and property tax levy to the
28 county fiscal body in the county where the taxing unit has the most
29 assessed valuation. The proposed budget and levy shall be submitted
30 at least thirty (30) days before the county fiscal body is required to hold
31 budget approval hearings under this chapter.

32 (e) The fiscal body of the city, town, or county (whichever applies)
33 shall review each budget and proposed tax levy and adopt a final
34 budget and tax levy for the taxing unit. The fiscal body may reduce or
35 modify but not increase the proposed budget or tax levy.

36 (f) If a taxing unit fails to file the information required in subsection
37 (c) or (d), whichever applies, with the appropriate fiscal body by the
38 time prescribed by this section, the most recent annual appropriations
39 and annual tax levy of that taxing unit are continued for the ensuing
40 budget year.

41 (g) If the appropriate fiscal body fails to complete the requirements
42 of subsection (e) before the adoption deadline in section 5 of this

1 chapter for any taxing unit subject to this section, the most recent
 2 annual appropriations and annual tax levy of the city, town, or county,
 3 whichever applies, are continued for the ensuing budget year.

4 **(h) In the case of a solid waste management district subject to**
 5 **IC 13-21:**

6 **(1) the district shall submit the district's proposed budget for**
 7 **the 2013 budget year and thereafter to:**

8 **(A) the executive; and**

9 **(B) the fiscal body;**

10 **of each county and municipality located within the district;**

11 **(2) each county that is a member of the district shall for the**
 12 **2013 budget year and thereafter determine the amount of**
 13 **funding from all sources that the county will provide to the**
 14 **district for that budget year;**

15 **(3) except as provided in IC 13-21-7-1(d), a district may not**
 16 **levy a property tax that is first due and payable after 2012;**
 17 **and**

18 **(4) after 2012, a district may not impose a fee or charge:**

19 **(A) that is a flat charge for each residence or building in**
 20 **use in the county; or**

21 **(B) that is otherwise imposed on a uniform basis on all**
 22 **residents or property owners."**

23 Page 5, between lines 29 and 30, begin a new paragraph and insert:

24 "SECTION 4. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2012]: **Sec. 22. (a) For property taxes first**
 27 **due and payable in 2013, the department of local government**
 28 **finance shall increase the maximum permissible ad valorem**
 29 **property tax levy of each county that is a member of a solid waste**
 30 **management district under IC 13-21 by an amount equal to:**

31 **(1) the part of the district's maximum permissible ad valorem**
 32 **property tax levy for 2012 that was imposed in the county;**
 33 **multiplied by**

34 **(2) the assessed value growth quotient under IC 6-1.1-18.5-2**
 35 **for 2013.**

36 **(b) Each maximum permissible ad valorem property tax levy,**
 37 **after the adjustments made under subsection (a), becomes the**
 38 **maximum permissible ad valorem property tax levy for the county**
 39 **for purposes of determining the county's maximum permissible ad**
 40 **valorem property tax levy after 2013."**

41 Page 5, line 41, after "department" insert "of education, with
 42 assistance from the department of environmental management,".

- 1 Page 6, line 2, after "department" insert "**of education**".
- 2 Page 6, line 22, after "department" insert "**of education, with**
- 3 **assistance from the department of environmental management,**".
- 4 Page 6, line 26, after "department" insert "**of education**".
- 5 Page 6, delete lines 27 through 42, begin a new paragraph and
- 6 insert:
- 7 "SECTION 7. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2012] **Sec. 4. (a) In 2013 and every fifth year thereafter, the**
- 10 **legislative council shall assign to an interim study committee or a**
- 11 **statutory study committee the topics of:**
- 12 (1) **assessing the continued need for solid waste management**
- 13 **districts; and**
- 14 (2) **determining whether any changes should be made to the**
- 15 **statutes governing solid waste management districts.**
- 16 (b) **The interim study committee or statutory study committee**
- 17 **to which the study topics described in subsection (a) are assigned**
- 18 **shall issue a final report, in an electronic format under IC 5-14-6,**
- 19 **to the legislative council containing the committee's findings and**
- 20 **recommendations, including any recommended legislation**
- 21 **concerning the topics, not later than November 1 of the year in**
- 22 **which the topics are assigned.**
- 23 SECTION 8. IC 13-21-3-10, AS AMENDED BY P.L.214-2005,
- 24 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2012]: Sec. 10. (a) A controller selected under section 9 of
- 26 this chapter shall do the following:
- 27 (1) Be the official custodian of all district money and, subject to
- 28 the terms of any resolution or trust indenture under which bonds
- 29 are issued under this article, deposit and invest all district money
- 30 in the same manner as other county money is deposited and
- 31 invested under IC 5-13.
- 32 (2) Be responsible to the board for the fiscal management of the
- 33 district.
- 34 (3) Be responsible for the proper safeguarding and accounting of
- 35 the district's money.
- 36 (4) Subject to subsection (c), issue warrants approved by the
- 37 board after a properly itemized and verified claim has been
- 38 presented to the board on a claim docket.
- 39 (5) Make financial reports of district money and present the
- 40 reports to the board for the board's approval.
- 41 (6) Prepare the district's **proposed** annual budget **that will be**
- 42 **submitted to each county that is a member of the district.**

- 1 (7) Perform any other duties:
 2 (A) prescribed by the board; and
 3 (B) consistent with this chapter.
- 4 (b) A controller selected under section 9 of this chapter:
 5 (1) does not exercise any sovereign authority of the state; and
 6 (2) does not hold a lucrative office for purposes of Article 2,
 7 Section 9 of the Constitution of the State of Indiana.
- 8 (c) The board may, by resolution, authorize the controller to make
 9 claim payments for:
 10 (1) payroll;
 11 (2) the state solid waste management fee imposed by
 12 IC 13-20-22-1; and
 13 (3) certain specific vendors identified in the resolution;
 14 without the claims being first approved by the board if before payment
 15 the claims are approved in writing by the chairperson of the board or
 16 in the absence of the chairperson another member of the board
 17 designated by the chairperson. The claims shall be reviewed and
 18 allowed by the board at the board's next regular or special meeting.
- 19 SECTION 9. IC 13-21-3-11 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The board of
 21 each district shall appoint and convene a solid waste management
 22 advisory committee of citizens not later than thirty (30) days after the
 23 board has been established. The committee must include the following:
 24 (1) Representatives of the solid waste management industry
 25 operating in the district.
 26 (2) Representatives of the environmental community and other
 27 citizens who are:
 28 (A) knowledgeable about and interested in environmental
 29 issues; and
 30 (B) not employed directly or indirectly by the solid waste
 31 management industry.
- 32 (b) At least fifty percent (50%) of the members of an advisory
 33 committee must be made up of the representatives of the environmental
 34 community and other citizens. All members of the committee must be
 35 residents of the district.
- 36 (c) In the resolution establishing an advisory committee, the board
 37 shall specify the terms of the members and the purposes of the
 38 committee. Each advisory committee shall do the following:
 39 (1) Study the subjects and problems specified by the board and
 40 recommend to the board additional problems in need of study and
 41 discussion.
 42 (2) If invited by the board to do so, participate, without the right

1 to vote, in the deliberations of the board.

2 (d) An advisory committee shall report only to the board. Reports of
3 the committee must:

4 (1) accompany a final district plan when the plan is submitted to
5 the commissioner under IC 13-21-5; and

6 (2) be made available to members of the public.

7 (e) An advisory committee may choose to study and report on
8 matters that are not specified by the board if the committee determines
9 a study is warranted.

10 (f) An advisory committee and board shall conduct at least two (2)
11 joint meetings each year to discuss current and future issues. The
12 advisory committee shall submit into the record at the next meeting of
13 the board advice on the topics discussed at the joint meeting.

14 (g) An advisory committee shall do the following:

15 (1) Meet after the first publication of the district's proposed
16 annual budget **that will be submitted to each county that is a**
17 **member of the district.**

18 (2) Submit written comments concerning the proposed budget at
19 a public hearing that is held to review the proposed budget."

20 Delete page 7.

21 Page 8, delete lines 1 through 14.

22 Page 9, line 35, after "law." insert "**The power to adopt a**
23 **resolution under this subdivision does not authorize a district to**
24 **require a permit prohibited by section 14(b)(5) of this chapter or**
25 **to impose a fee prohibited by section 14(b)(5) of this chapter.**"

26 Page 11, line 28, after "department" delete "." and insert "**of**
27 **education.**"

28 Page 12, line 4, delete "." and insert "**or impose a fee or charge**
29 **that is first due and payable after 2012 and that:**

30 **(1) is a flat charge for each residence or building in use in the**
31 **county; or**

32 **(2) is otherwise imposed on a uniform basis on all residents or**
33 **property owners."**

34 Page 12, delete lines 5 through 42, begin a new paragraph and
35 insert:

36 "SECTION 11. IC 13-21-3-13 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A board
38 may do the following:

39 (1) Enter into agreements concerning and acquire by any lawful
40 means real property or interests in real and personal property
41 needed for the purposes of this section or IC 13-21-9.

42 (2) Enter into financing agreements to purchase, lease as lessee,

- 1 construct, remodel, rebuild, enlarge, or substantially improve
2 facilities.
- 3 (3) Lease facilities to users or developers with or without an
4 option to purchase.
- 5 (4) Sell facilities to users or developers for consideration, which
6 may be paid in installments or otherwise.
- 7 (5) Make direct loans to users or developers for the cost of
8 acquisition, construction, or installation of facilities, including
9 real property, machinery, or equipment. If loans are made, the
10 development bonds must be secured by the pledge of one (1) or
11 more bonds or other secured or unsecured debt obligations of the
12 users or developers.
- 13 (6) Enter into agreements with users or developers to allow the
14 users or developers to wholly or partially acquire, construct, or
15 modify facilities to be acquired by the district.
- 16 (7) **Before July 1, 2012**, issue waste management development
17 bonds under IC 13-21-9 to do the following:
- 18 (A) Accomplish the purposes of this section and IC 13-21-9.
19 (B) Secure payment of the development bonds as provided in
20 IC 13-21-9.
- 21 (b) This section or IC 13-21-9 does not authorize the district's
22 financing of facilities for a developer unless any agreement that exists
23 between a developer and a user is fully disclosed to and approved by
24 the board.
- 25 SECTION 12. IC 13-21-3-13.5 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section~~
27 ~~does not apply to the following:~~
- 28 ~~(1) A nonreverting capital fund established under section 12(24)~~
29 ~~of this chapter.~~
- 30 ~~(2) A fund established under IC 13-21-7-8.~~
- 31 ~~(3) The waste management district bond fund established under~~
32 ~~IC 13-21-7-10.~~
- 33 ~~(4) A fund established to secure the payment of principal and~~
34 ~~interest under IC 13-21-12-1(12).~~
- 35 ~~(b)~~ At the end of each year the district shall prepare a report that
36 provides the following information:
- 37 (1) For each fund that contains district money:
- 38 (A) the cash balance at the end of the year;
- 39 (B) a list of all encumbrances on the fund that the district is
40 legally obligated to pay;
- 41 (C) a copy of documentation that supports each encumbrance
42 listed in clause (B);

- 1 (D) the fund balance obtained by subtracting the amount under
 2 clause (B) from the amount under clause (A); ~~and~~
 3 (E) the total expenditures from the fund for the year; **and**
 4 **(F) any other financial information required by the**
 5 **department.**
- 6 (2) The total of all fund balances calculated under subdivision
 7 (1)(D).
- 8 (3) The total of all fund expenditures reported under subdivision
 9 (1)(E).
- 10 **(4) Any programmatic information required by the**
 11 **department.**
- 12 **(5) The total amount of expenditures by the district for the**
 13 **year.**
- 14 **(6) The per capita expenditures by the district for the year.**
- 15 **(7) The amount of expenditures by the district for the year for**
 16 **personnel costs.**
- 17 **(8) The amount of expenditures by the district for the year for**
 18 **program costs (excluding personnel costs).**
- 19 **(9) The total amount of solid waste (in tons) disposed of in the**
 20 **district for the year.**
- 21 **(10) The total amount of expenditures by the district for the**
 22 **year, divided by the total amount of solid waste (in tons)**
 23 **disposed of in the district for the year.**
- 24 **(11) The total amount of recycling (in tons) carried out in the**
 25 **district in the year.**
- 26 **(12) The total amount of expenditures by the district for the**
 27 **year, divided by the total amount of recycling (in tons) carried**
 28 **out in the district in the year.**
- 29 ~~(e)~~ **(b)** The district shall provide the report ~~developed~~ **prepared**
 30 under subsection ~~(b)~~ **(a)**:
- 31 **(1) to the department, the department of local government finance**
 32 **in a format prescribed by the department; and the**
 33 **environmental quality service**
- 34 **(2) to the legislative council in an electronic format under**
 35 **IC 5-14-6;**
- 36 by February 1 of the year following the year for which the report is
 37 made.
- 38 **(c) The district shall publish the report prepared under**
 39 **subsection (a) on an Internet web site maintained by the district or**
 40 **on the Internet web sites maintained by the counties that are**
 41 **members of the district.**
- 42 SECTION 13. IC 13-21-3-14, AS AMENDED BY P.L.220-2011,

1 SECTION 284, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This section does not apply
 3 to a contract executed before April 1, 1998.

4 (b) Except as provided in subsection (d) and section 14.5 of this
 5 chapter, the powers of a district do not include the following:

6 (1) The power of eminent domain.

7 (2) Except as provided in subsection (c), the power to exclusively
 8 control the collection or disposal of any solid waste or recyclables
 9 within the district by means that include the following:

10 (A) Franchising.

11 (B) Establishing a territory or territories within the district in
 12 which a person may provide service.

13 (3) The power to establish the type of service that a person must
 14 provide for the collection or disposal of solid waste or recyclables
 15 within the district.

16 (4) The power to establish fees that a person must charge for the
 17 collection or disposal of solid waste or recyclables within the
 18 district.

19 (5) **Except as expressly granted by statute**, the power to:

20 (A) issue permits for ~~an~~ **a solid waste management** activity
 21 that:

22 (i) is already permitted by a state **or federal** agency; ~~except~~
 23 ~~as expressly granted by statute.~~ **or**

24 (ii) **is not regulated by any state or federal agency; or**

25 (B) **require the payment of a fee for a solid waste**
 26 **management activity that:**

27 (i) **is already permitted by a state or federal agency; or**

28 (ii) **is not regulated by a state or federal agency.**

29 **This subdivision does not prohibit a district from imposing a**
 30 **user fee or charge to reimburse the district for the cost of**
 31 **service provided by the district to the payer of the user fee or**
 32 **charge.**

33 (6) **The power to impose a fee or charge that is first due and**
 34 **payable after 2012 and that:**

35 (A) **is a flat charge for each residence or building in use in**
 36 **the county; or**

37 (B) **is otherwise imposed on a uniform basis on all residents**
 38 **or property owners.**

39 (c) If one (1) or more of the governmental entities in a district, at the
 40 time of the formation of the district, is a party to a contract providing
 41 that the persons contracted with have the exclusive right to collect or
 42 dispose of solid waste within the jurisdiction of the governmental

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

2 (d) Subsection ~~(b) does~~ **(b)(1) through (b)(4) does** not apply to
3 activities conducted as part of a household hazardous waste collection
4 and disposal project."

5 Page 13, delete lines 1 through 31.

6 Page 17, delete lines 36 through 42, begin a new paragraph and
7 insert:

8 "SECTION 18. IC 13-21-3-21 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. **(a)** Before the
10 board of a district may adopt an annual budget, the budget must be:

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

12 (2) sent to:

13 (A) the executive; and

14 (B) the fiscal body;

15 of each county and municipality located within the district as a
16 matter of record.

17 **The district's budget is subject to the amount of funding provided**
18 **by the counties that are located within the district.**

19 **(b) Each county that is located within the district shall, for the**
20 **2013 budget year and thereafter, determine the amount of funding**
21 **from all sources that the county will provide to the district for that**
22 **budget year.**

23 SECTION 19. IC 13-21-3-23 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2012]: Sec. 23. **(a) The department shall**
26 **adopt rules to establish minimum service levels for:**

27 **(1) recycling; and**

28 **(2) the collection of household hazardous waste, electronic**
29 **waste, tires, and white goods;**

30 **that must be provided in each district. In setting the minimum**
31 **service levels, the department shall consider the population of a**
32 **district, the population density of a district, the availability of**
33 **public and private programs to achieve the minimum service**
34 **levels, and other factors considered appropriate by the district. The**
35 **minimum service levels may be met by a district through any**
36 **combination of public or private programs.**

37 **(b) The rules adopted by the department must include a process**
38 **through which:**

39 **(1) a district may apply to the department for a waiver of the**
40 **minimum service levels; and**

41 **(2) the department may grant such a waiver.**

42 **(c) A district is responsible for ensuring that the minimum**

1 service levels under this section are satisfied through any
 2 combination of public or private programs. Each county is
 3 responsible for providing the county's proportionate share of the
 4 level of funding sufficient for the district to achieve the minimum
 5 service levels."

6 Page 18, delete lines 1 through 40.

7 Page 19, between lines 26 and 27, begin a new paragraph and insert:

8 "SECTION 22. IC 13-21-7-4 IS REPEALED [EFFECTIVE
 9 JANUARY 1, 2013]. Sec. 4: (a) At:

10 (1) the time fixed for the hearing; or

11 (2) any time before that;

12 any person owning real or personal property within the district may file
 13 a written remonstrance with the board:

14 (b) At the hearing, which may be adjourned as necessary, the board
 15 shall hear all persons interested in the proceedings and all
 16 remonstrances filed:

17 (c) After considering the remonstrances, the board shall:

18 (1) take final action determining the public utility and benefit of
 19 the proposed proceedings; and

20 (2) either:

21 (A) confirm;

22 (B) modify and confirm; or

23 (C) rescind;

24 the resolution:

25 (d) The final action of the board shall be recorded:

26 (e) The action of the board is final and conclusive upon all persons:

27 However, any person who:

28 (1) has remonstrated in writing; and

29 (2) is aggrieved by the decision of the board;

30 may take an appeal as provided in section 5 of this chapter.

31 SECTION 23. IC 13-21-7-5 IS REPEALED [EFFECTIVE
 32 JANUARY 1, 2013]. Sec. 5: (a) If the board takes final action
 33 confirming the resolution in an original or modified form, a person who
 34 has filed a written remonstrance with the board as provided in section
 35 4 of this chapter may appeal to the circuit or superior court of the
 36 county in which the person resides:

37 (b) Within ten (10) days after the final action of the board, the
 38 remonstrator must file in the office of the clerk of the court the
 39 following:

40 (1) A copy of the resolution of the board:

41 (2) The remonstrance:

42 (3) A surety bond conditioned to pay the costs of the appeal if the

1 appeal is determined against the remonstrator.

2 (c) The only ground of remonstrance of which the court has
3 jurisdiction on appeal is the question of whether it will be of public
4 utility and benefit to construct, modify, or acquire the proposed facility.
5 The burden of proof is upon the remonstrator. The cause shall be
6 summarily tried by the court without a jury.

7 (d) The court shall do the following:

8 (1) Consolidate and hear all remonstrances upon which an appeal
9 are taken as one (1) cause of action.

10 (2) Hear and determine the cause within thirty (30) days after the
11 time of filing the appeal.

12 (3) Upon the date fixed for hearing:

13 (A) hear evidence upon the remonstrances; and

14 (B) confirm the final action of the board on the resolution or
15 sustain the remonstrance.

16 SECTION 24. IC 13-21-7-6 IS REPEALED [EFFECTIVE
17 JANUARY 1, 2013]. Sec. 6: On adopting a resolution ordering the
18 issuance of waste management district bonds, the board shall certify a
19 copy of:

20 (1) the resolution; and

21 (2) the approval;

22 to the controller of the district, who shall prepare the bonds.

23 SECTION 25. IC 13-21-7-7 IS REPEALED [EFFECTIVE
24 JANUARY 1, 2013]. Sec. 7: (a) The waste management district bonds:

25 (1) are special obligations of the district; and

26 (2) are not, in any respect, a corporate obligation or indebtedness
27 of the units that comprise the district.

28 (b) The waste management district bonds issued under this chapter
29 or IC 13-9.5-9-3 (before its repeal) and the interest on the bonds are
30 payable out of a special tax levied upon all of the property of the
31 district and any other revenues made available for that purpose under
32 this article. The waste management district bonds must recite these
33 terms on the face of the bonds together with the purpose for which the
34 bonds are issued:".

35 Page 19, line 38, delete "July 1," and insert "**February 1, 2012,**".

36 Page 19, line 39, delete "2012,".

37 Page 20, after line 42, begin a new paragraph and insert:

38 "SECTION 29. IC 13-21-8-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A board may
40 finance the cost of facilities by borrowing money and issuing revenue
41 bonds under this chapter **before July 1, 2012.**

42 (b) **After June 30, 2012, the authority of a board to finance the**

1 **cost of facilities by borrowing money and issuing revenue bonds**
 2 **under this chapter is transferred to each county that is a member**
 3 **of the district.**

4 SECTION 30. IC 13-21-9-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
 6 resolution adopted under section 2 of this chapter may also **before July**
 7 **1, 2012**, authorize the issuance of waste management development
 8 bonds payable solely from:

9 (1) revenues and receipts derived from a financing agreement; or

10 (2) payments made under a guaranty agreement by a developer,
 11 user, or any other person.

12 (b) The waste management development bonds are not in any
 13 respect a general obligation of the district.

14 **(c) After June 30, 2012, the authority of a board to issue waste**
 15 **management development bonds under this chapter is transferred**
 16 **to each county that is a member of the district.**

17 SECTION 31. IC 13-21-14-0.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. A district may not impose a**
 20 **fee under this chapter that is first due and payable after 2012 and**
 21 **that:**

22 **(1) is a flat charge for each residence or building in use in the**
 23 **county; or**

24 **(2) is otherwise imposed on a uniform basis on all residents or**
 25 **property owners.**

26 SECTION 32. IC 13-21-14-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The board may
 28 fix the solid waste management fees on the basis of the following:

29 ~~(1)~~ **A flat charge for each residence or building in use in the waste**
 30 **management district.**

31 ~~(2)~~ **(1) The weight or volume of the refuse received.**

32 ~~(3)~~ **(2) The average number of containers or bags of refuse**
 33 **received.**

34 ~~(4)~~ **(3) The relative difficulty associated with the collection or**
 35 **management of the solid waste received.**

36 ~~(5)~~ **(4) Any other criteria that the board determines to be logically**
 37 **related to the service.**

38 ~~(6)~~ **(5) Any combination of these criteria.**

39 SECTION 33. IC 13-21-16 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2013]:

42 **Chapter 16. County Solid Waste Management Fees**

1 **Sec. 1. (a) A county fiscal body may establish solid waste**
 2 **management fees that apply to all persons owning real property or**
 3 **generating solid waste within the county who are benefited by solid**
 4 **waste management, solid waste collection, a facility for solid waste**
 5 **disposal, or a facility for solid waste processing.**

6 **(b) The county fiscal body may change and readjust fees as**
 7 **necessary.**

8 **Sec. 2. A fee imposed by a county fiscal body under this chapter**
 9 **may be imposed only as:**

10 **(1) a flat charge for each residence or building in use in the**
 11 **county; or**

12 **(2) otherwise imposed on a uniform basis on all residents or**
 13 **property owners.**

14 **Sec. 3. The collection of the fees authorized by this chapter may**
 15 **be effectuated through a periodic billing system.**

16 **Sec. 4. (a) Fees shall be established only by the adoption of an**
 17 **ordinance by the county fiscal body after public notice and a public**
 18 **hearing before the county fiscal body at which:**

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

22 **(2) other interested persons;**

23 **have an opportunity to be heard concerning the proposed fees.**

24 **(b) After the introduction of an ordinance fixing fees and before**
 25 **the ordinance is adopted, public notice of the hearing, setting forth**
 26 **the schedule of fees, shall be given. The hearing may be adjourned**
 27 **as necessary.**

28 **(c) After the hearing, the ordinance establishing fees, either as**
 29 **originally introduced or as amended, shall be passed and put into**
 30 **effect.**

31 **(d) A copy of the schedule of fees established shall be kept:**

32 **(1) on file in the office of the county executive; and**

33 **(2) open to inspection by all interested persons.**

34 **(e) The fees established extend to cover any additional territory**
 35 **later served that falls within the same class without the necessity of**
 36 **a hearing or notice.**

37 **(f) A change or readjustment of fees may be made in the same**
 38 **manner as the fees were originally established.**

39 **Sec. 5. An action to contest:**

40 **(1) the validity of the fees adopted; or**

41 **(2) the procedure by which the fees were adopted;**

42 **must be brought within thirty (30) days following the adoption of**

- 1 **the fees under section 4 of this chapter.**
- 2 **Sec. 6. Fees imposed under this chapter may be used only,**
- 3 **together with any other revenues, to pay any of the following:**
- 4 **(1) The cost of facilities for solid waste management.**
- 5 **(2) The operation and maintenance of facilities, including**
- 6 **making grants to a solid waste management district serving**
- 7 **the county.**
- 8 **(3) The charges that may be pledged to the payment of**
- 9 **principal of and interest on waste management facility or**
- 10 **revenue bonds.**
- 11 **Sec. 7. (a) If a fee established is not paid within the time fixed by**
- 12 **the county, the amount, together with:**
- 13 **(1) a penalty of twenty-five dollars (\$25); and**
- 14 **(2) reasonable attorney's fees;**
- 15 **may be recovered in a civil action in the name of the county.**
- 16 **(b) If a fee that is imposed on a lot, parcel of land, or building is**
- 17 **not paid within the time fixed by the county, the amount of the fee,**
- 18 **together with a penalty of twenty-five dollars (\$25) and reasonable**
- 19 **attorney's fees, is a lien on the lot, parcel of land, or building. The**
- 20 **liens:**
- 21 **(1) attach;**
- 22 **(2) are recorded; and**
- 23 **(3) shall be collected and enforced;**
- 24 **in substantially the same manner as provided in IC 36-9-23-31**
- 25 **through IC 36-9-23-32.**
- 26 **Sec. 8. A county may not exercise its authority under this**
- 27 **chapter to impose a fee on the:**
- 28 **(1) owner of real or personal property that is used solely as a**
- 29 **transfer station; or**
- 30 **(2) operation of a transfer station.**
- 31 **SECTION 34. An emergency is declared for this act."**
- 32 Renumber all SECTIONS consecutively.
 (Reference is to SB 210 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 6.

Senator Kenley, Chairperson