



March 5, 2013

ENGROSSED HOUSE BILL No. 1536

DIGEST OF HB 1536 (Updated March 4, 2013 3:32 pm - DI 118)

Citations Affected: IC 13-21.

Synopsis: Solid waste management districts. Provides that a solid waste management district (district) may not register, issue a permit for, or license a vehicle as a condition of allowing a solid waste hauler to render services within the district. Provides that a district that issued a permit for, licensed a vehicle, or levied a charge or fee as a condition of allowing a solid waste hauler to render services within the district on January 1, 2013 may continue to do so until January 1, 2015. Provides that a district may not register, issue a permit, license or levy a charge or fee after December 31, 2014.

Effective: July 1, 2013.

Wolkins, Moed, Bauer

(SENATE SPONSORS — CHARBONNEAU, RANDOLPH)

January 22, 2013, read first time and referred to Committee on Environmental Affairs.
February 14, 2013, reported — Do Pass.
February 18, 2013, read second time, amended, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 88, nays 2.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Environmental Affairs.
March 4, 2013, amended, reported favorably — Do Pass.

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March 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1536

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 13-21-3-14, AS AMENDED BY P.L.220-2011,
2 SECTION 284, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section does not apply
4 to a contract executed before April 1, 1998.
5 (b) Except as provided in subsection (d) and section 14.5 of this
6 chapter, the powers of a district do not include the following:
7 (1) The power of eminent domain.
8 (2) Except as provided in subsection (c), the power to exclusively
9 control the collection or disposal of any solid waste or recyclables
10 within the district by means that include the following:
11 (A) Franchising.
12 (B) Establishing a territory or territories within the district in
13 which a person may provide service.
14 (3) The power to establish the type of service that a person must
15 provide for the collection or disposal of solid waste or recyclables
16 within the district.
17 (4) The power to establish fees that a person must charge for the

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1 collection or disposal of solid waste or recyclables within the
 2 district.
 3 (5) The power to issue permits for an activity that is already
 4 permitted by a state agency, except as expressly granted by
 5 statute.
 6 **(6) Except as provided in subsection (e), the power to:**
 7 **(A) register;**
 8 **(B) issue a permit for; or**
 9 **(C) license;**
 10 **a vehicle as a condition of allowing a solid waste hauler to**
 11 **render services within the district.**
 12 (c) If one (1) or more of the governmental entities in a district, at the
 13 time of the formation of the district, is a party to a contract providing
 14 that the persons contracted with have the exclusive right to collect or
 15 dispose of solid waste within the jurisdiction of the governmental
 16 entity, the district may enter into an extension of that contract.
 17 (d) Subsection (b) does not apply to activities conducted as part of
 18 a household hazardous waste collection and disposal project.
 19 **(e) A district that was:**
 20 **(1) registering, issuing a permit for, or licensing vehicles as a**
 21 **condition of allowing a solid waste hauler to render services**
 22 **within the district on January 1, 2013:**
 23 **(A) may continue to register, issue a permit for, or license**
 24 **the vehicles until January 1, 2015; and**
 25 **(B) may not register, issue a permit for, or license the**
 26 **vehicles after December 31, 2014; and**
 27 **(2) levying a charge or fee on January 1, 2013, for registering,**
 28 **issuing a permit for, or licensing vehicles as a condition of**
 29 **allowing a solid waste hauler to render services within the**
 30 **district:**
 31 **(A) may continue to levy the charge or fee until January 1,**
 32 **2015; and**
 33 **(B) may not levy the charge or fee after December 31,**
 34 **2014.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1536, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

WOLKINS, Chair

Committee Vote: yeas 10, nays 2.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1536 be amended to read as follows:

Page 2, line 6, delete "The" and insert "**Except as provided in subsection (e), the**".

Page 2, after line 15, begin a new paragraph and insert:

"(e) A district that was levying a charge or fee on January 1, 2013, for registering, issuing a permit for, or licensing a vehicle as a condition of allowing a solid waste hauler to render services within the district:

- (1) may continue to levy the charge or fee until January 1, 2015; and**
- (2) may not levy the charge or fee after December 31, 2014."**

(Reference is to HB 1536 as printed February 15, 2013.)

WOLKINS

 COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1536, 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:

Page 2, delete lines 6 through 9, begin a new line block indented and insert:

- "(6) Except as provided in subsection (e), the power to:**
- (A) register;**
 - (B) issue a permit for; or**

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**(C) license;
a vehicle as a condition of allowing a solid waste hauler to
render services within the district."**

Page 2, delete lines 17 through 23, begin a new paragraph and
insert:

"(e) A district that was:

**(1) registering, issuing a permit for, or licensing vehicles as a
condition of allowing a solid waste hauler to render services
within the district on January 1, 2013:**

**(A) may continue to register, issue a permit for, or license
the vehicles until January 1, 2015; and**

**(B) may not register, issue a permit for, or license the
vehicles after December 31, 2014; and**

**(2) levying a charge or fee on January 1, 2013, for registering,
issuing a permit for, or licensing vehicles as a condition of
allowing a solid waste hauler to render services within the
district:**

**(A) may continue to levy the charge or fee until January 1,
2015; and**

**(B) may not levy the charge or fee after December 31,
2014."**

and when so amended that said bill do pass.

(Reference is to HB 1536 as reprinted February 19, 2013.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 6, Nays 1.

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