

HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-21-3-12.

Synopsis: Lake County solid waste management district. Provides that the Lake County solid waste management district may not exercise the power to construct and operate facilities for solid waste management, enter into certain contracts concerning the management of solid waste, enter into agreements for the leasing of certain solid waste facilities, purchase or lease real or personal property for the management or disposal of solid waste, sell or lease certain solid waste facilities, accept gifts, grants, loans of money, other property, or services from any source and comply with the terms of the gift, grant, or loan, or borrow in anticipation of taxes, unless: (1) the district has submitted a recommendation to the county executive of Lake County concerning the exercise of the power; and (2) the county executive has adopted an ordinance approving the recommendation and authorizing the district to exercise the power.

Effective: July 1, 2014.

Niemeyer

January 9, 2014, read first time and referred to Committee on Environmental Affairs.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1100

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 13-21-3-12, AS AMENDED BY P.L.37-2012,
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 12. **(a)** Except as provided in section 14.5 of this
4 chapter **and subject to subsection (b)**, the powers of a district include
5 the following:
6 (1) The power to develop and implement a district solid waste
7 management plan under IC 13-21-5.
8 (2) The power to impose district fees on the final disposal of solid
9 waste within the district under IC 13-21-13.
10 (3) The power to receive and disburse money, if the primary
11 purpose of activities undertaken under this subdivision is to carry
12 out the provisions of this article.
13 (4) The power to sue and be sued.
14 (5) The power to plan, design, construct, finance, manage, own,
15 lease, operate, and maintain facilities for solid waste
16 management.



1 (6) The power to enter with any person into a contract or an
 2 agreement that is necessary or incidental to the management of
 3 solid waste. Contracts or agreements that may be entered into
 4 under this subdivision include those for the following:

5 (A) The design, construction, operation, financing, ownership,
 6 or maintenance of facilities by the district or any other person.

7 (B) The managing or disposal of solid waste.

8 (C) The sale or other disposition of materials or products
 9 generated by a facility.

10 Notwithstanding any other statute, the maximum term of a
 11 contract or an agreement described in this subdivision may not
 12 exceed forty (40) years.

13 (7) The power to enter into agreements for the leasing of facilities
 14 in accordance with IC 36-1-10 or IC 36-9-30.

15 (8) The power to purchase, lease, or otherwise acquire real or
 16 personal property for the management or disposal of solid waste.

17 (9) The power to sell or lease any facility or part of a facility to
 18 any person.

19 (10) The power to make and contract for plans, surveys, studies,
 20 and investigations necessary for the management or disposal of
 21 solid waste.

22 (11) The power to enter upon property to make surveys,
 23 soundings, borings, and examinations.

24 (12) The power to:

25 (A) accept gifts, grants, loans of money, other property, or
 26 services from any source, public or private; and

27 (B) comply with the terms of the gift, grant, or loan.

28 (13) The power to levy a tax within the district to pay costs of
 29 operation in connection with solid waste management, subject to
 30 the following:

31 (A) Regular budget and tax levy procedures.

32 (B) Section 16 of this chapter.

33 However, except as provided in sections 15 and 15.5 of this
 34 chapter, a property tax rate imposed under this article may not
 35 exceed eight and thirty-three hundredths cents (\$0.0833) on each
 36 one hundred dollars (\$100) of assessed valuation of property in
 37 the district.

38 (14) The power to borrow in anticipation of taxes.

39 (15) The power to hire the personnel necessary for the
 40 management or disposal of solid waste in accordance with an
 41 approved budget and to contract for professional services.

42 (16) The power to otherwise do all things necessary for the:



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



- 1 (i) was part of a joint district;
 2 (ii) has withdrawn from the joint district as of January 1,
 3 2008; and
 4 (iii) has established its own district in which a final disposal
 5 facility is located.
- 6 (23) The power to make grants or loans of:
 7 (A) money;
 8 (B) property; or
 9 (C) services;
 10 to public or private recycling programs, composting programs, or
 11 any other programs that reuse any component of the waste stream
 12 as a material component of another product, if the primary
 13 purpose of activities undertaken under this subdivision is to carry
 14 out the provisions of this article.
- 15 (24) The power to establish by resolution a nonreverting capital
 16 fund. A district's board may appropriate money in the fund for:
 17 (A) equipping;
 18 (B) expanding;
 19 (C) modifying; or
 20 (D) remodeling;
 21 an existing facility. Expenditures from a capital fund established
 22 under this subdivision must further the goals and objectives
 23 contained in a district's solid waste management plan. Not more
 24 than five percent (5%) of the district's total annual budget for the
 25 year may be transferred to the capital fund that year. The balance
 26 in the capital fund may not exceed twenty-five percent (25%) of
 27 the district's total annual budget. If a district's board determines
 28 by resolution that a part of a capital fund will not be needed to
 29 further the goals and objectives contained in the district's solid
 30 waste management plan, that part of the capital fund may be
 31 transferred to the district's general fund, to be used to offset
 32 tipping fees, property tax revenues, or both tipping fees and
 33 property tax revenues.
- 34 (25) The power to conduct promotional or educational programs
 35 that include giving awards and incentives that further:
 36 (A) the district's solid waste management plan; and
 37 (B) the objectives of minimum educational standards
 38 established by the department of environmental management.
- 39 (26) The power to conduct educational programs under
 40 IC 13-20-17.5 to provide information to the public concerning:
 41 (A) the reuse and recycling of mercury in:
 42 (i) mercury commodities; and



- 1 (ii) mercury-added products; and
 2 (B) collection programs available to the public for:
 3 (i) mercury commodities; and
 4 (ii) mercury-added products.
 5 (27) The power to implement mercury collection programs under
 6 IC 13-20-17.5 for the public and small businesses.
 7 (28) The power to conduct educational programs under
 8 IC 13-20.5 to provide information to the public concerning:
 9 (A) reuse and recycling of electronic waste;
 10 (B) collection programs available to the public for the disposal
 11 of electronic waste; and
 12 (C) proper disposal of electronic waste.
 13 **(b) Before the county district of a county that has a population**
 14 **of more than four hundred thousand (400,000) but less than seven**
 15 **hundred thousand (700,000) may exercise a power set forth in**
 16 **subsection (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), (a)(12), or (a)(14):**
 17 **(1) the county district must submit a recommendation to the**
 18 **county executive of the county concerning the county district's**
 19 **proposed exercise of the power; and**
 20 **(2) the county executive must adopt an ordinance that:**
 21 **(A) approves the recommendation; and**
 22 **(B) authorizes the county district to exercise the power.**

