



January 29, 2016

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## SENATE BILL No. 88

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DIGEST OF SB 88 (Updated January 26, 2016 1:33 pm - DI 73)

**Citations Affected:** IC 6-1.1; IC 13-21; IC 36-2.

**Synopsis:** Solid waste management districts. Authorizes the legislative body of a county to do one, but not both, of the following: (1) Adopt an ordinance specifying that a district may not levy within the county a property tax that is first due and payable in 2017 or in 2018. (2) Adopt an ordinance specifying that a district may not levy within the county a property tax that is first due and payable in 2018. Provides that no solid waste management districts may levy a property tax that is first due and payable after 2018, other than a property tax for pre-existing debt. Specifies that the county fiscal body may at its discretion adopt an ordinance to provide funding to the solid waste management district. Provides that after the date on which a district may no longer impose property taxes, the county may impose solid waste management fees on persons generating solid waste in the county. Provides that such fees may be imposed only: (1) as a flat charge for each residence that generates solid waste and each building that generates solid waste; or (2) as a user fee on a uniform basis on all residents and property owners that use solid waste collection services within the county. Provides that after the date on which a district may no longer impose property taxes, the district may not impose a fee or charge that is a flat charge for each residence or building in use in the county or that is otherwise imposed on a uniform basis on all residents or property owners. Provides that after March 31, 2016, a district may not issue waste management district bonds. Specifies that the authority of a district to issue waste management district bonds is transferred to the county or counties that are members of the district.

**Effective:** Upon passage; July 1, 2016.

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## Kenley

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January 5, 2016, read first time and referred to Committee on Environmental Affairs.  
January 12, 2016, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 12, 2016, reassigned to Committee on Tax & Fiscal Policy pursuant to Rule 68(b).  
January 28, 2016, amended, reported favorably — Do Pass.

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SB 88—LS 6270/DI 73





January 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 88

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 6-1.1-17-20, AS AMENDED BY P.L.257-2013,  
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 20. (a) This section applies to each governing  
4 body of a taxing unit that is not comprised of a majority of officials  
5 who are elected to serve on the governing body. For purposes of this  
6 section, an individual who qualifies to be appointed to a governing  
7 body or serves on a governing body because of the individual's status  
8 as an elected official of another taxing unit shall be treated as an  
9 official who was not elected to serve on the governing body.
- 10 (b) As used in this section, "taxing unit" has the meaning set forth  
11 in IC 6-1.1-1-21, except that the term does not include a public library  
12 or an entity whose tax levies are subject to review and modification by  
13 a city-county legislative body under IC 36-3-6-9.
- 14 (c) If:
- 15 (1) the assessed valuation of a taxing unit is entirely contained  
16 within a city or town; or  
17 (2) the assessed valuation of a taxing unit is not entirely contained

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- 1           within a city or town but:
- 2           (A) the taxing unit was originally established by the city or
- 3           town; or
- 4           (B) the majority of the individuals serving on the governing
- 5           body of the taxing unit are appointed by the city or town;
- 6           the governing body shall submit its proposed budget and property tax
- 7           levy to the city or town fiscal body. The proposed budget and levy shall
- 8           be submitted to the city or town fiscal body in the manner prescribed
- 9           by the department of local government finance before September 2 of
- 10          a year.
- 11          (d) If subsection (c) does not apply, the governing body of the taxing
- 12          unit shall submit its proposed budget and property tax levy to the
- 13          county fiscal body in the county where the taxing unit has the most
- 14          assessed valuation. The proposed budget and levy shall be submitted
- 15          to the county fiscal body in the manner prescribed by the department
- 16          of local government finance before September 2 of a year.
- 17          (e) The fiscal body of the city, town, or county (whichever applies)
- 18          shall review each budget and proposed tax levy and adopt a final
- 19          budget and tax levy for the taxing unit. The fiscal body may reduce or
- 20          modify but not increase the proposed budget or tax levy.
- 21          (f) If a taxing unit fails to file the information required in subsection
- 22          (c) or (d), whichever applies, with the appropriate fiscal body by the
- 23          time prescribed by this section, the most recent annual appropriations
- 24          and annual tax levy of that taxing unit are continued for the ensuing
- 25          budget year.
- 26          (g) If the appropriate fiscal body fails to complete the requirements
- 27          of subsection (e) before the adoption deadline in section 5 of this
- 28          chapter for any taxing unit subject to this section, the most recent
- 29          annual appropriations and annual tax levy of the city, town, or county,
- 30          whichever applies, are continued for the ensuing budget year.
- 31          **(h) The following apply in the case of a solid waste management**
- 32          **district subject to IC 13-21:**
- 33               **(1) This subdivision applies to a county for which the county**
- 34               **legislative body has adopted an ordinance under**
- 35               **IC 13-21-16-1(1) to opt out of solid waste management district**
- 36               **property taxation in 2017 and 2018. Except as provided in**
- 37               **IC 13-21-7-1(g) concerning outstanding bonds and other debt**
- 38               **obligations, a district may not levy within the county a**
- 39               **property tax that is first due and payable in 2017 or in 2018.**
- 40               **The county fiscal body may at its discretion adopt an**
- 41               **ordinance to provide funding for the budget year to the solid**
- 42               **waste management district. This subdivision expires January**



- 1           **1, 2019.**
- 2           **(2) This subdivision applies to a county for which the county**
- 3           **legislative body has adopted an ordinance under**
- 4           **IC 13-21-16-1(2) to opt out of solid waste management district**
- 5           **property taxation in 2018. Except as provided in**
- 6           **IC 13-21-7-1(g) concerning outstanding bonds and other debt**
- 7           **obligations, a district may not levy a property tax that is first**
- 8           **due and payable within the county in 2018. The county fiscal**
- 9           **body may at its discretion adopt an ordinance to provide**
- 10           **funding for the budget year to the solid waste management**
- 11           **district. This subdivision expires January 1, 2019.**
- 12           **(3) Except as provided in IC 13-21-7-1(d) concerning**
- 13           **outstanding bonds, a district may not levy a property tax that**
- 14           **is first due and payable after December 31, 2018. A county**
- 15           **fiscal body may at its discretion adopt an ordinance to**
- 16           **provide funding for the budget year to the solid waste**
- 17           **management district.**
- 18           SECTION 2. IC 6-1.1-18-12, AS AMENDED BY P.L.232-2015,
- 19           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20           JULY 1, 2016]: Sec. 12. (a) For purposes of this section, "maximum
- 21           rate" refers to the maximum:
- 22               (1) property tax rate or rates; or
- 23               (2) special benefits tax rate or rates;
- 24           referred to in the statutes listed in subsection (d).
- 25           (b) The maximum rate for taxes first due and payable after 2003 is
- 26           the maximum rate that would have been determined under subsection
- 27           (e) for taxes first due and payable in 2003 if subsection (e) had applied
- 28           for taxes first due and payable in 2003.
- 29           (c) The maximum rate must be adjusted each year to account for the
- 30           change in assessed value of real property that results from:
- 31               (1) an annual adjustment of the assessed value of real property
- 32               under IC 6-1.1-4-4.5;
- 33               (2) a general reassessment of real property under IC 6-1.1-4-4; or
- 34               (3) a reassessment under a county's reassessment plan prepared
- 35               under IC 6-1.1-4-4.2.
- 36           (d) The statutes to which subsection (a) refers are:
- 37               (1) IC 8-10-5-17;
- 38               (2) IC 8-22-3-11;
- 39               (3) IC 8-22-3-25;
- 40               (4) IC 12-29-1-1;
- 41               (5) IC 12-29-1-2;
- 42               (6) IC 12-29-1-3;



- 1 (7) IC 12-29-3-6;  
 2 (8) IC 13-21-3-12 **(for property taxes first due and payable**  
 3 **before January 1, 2019);**  
 4 (9) IC 13-21-3-15 **(for property taxes first due and payable**  
 5 **before January 1, 2019);**  
 6 (10) IC 14-27-6-30;  
 7 (11) IC 14-33-7-3;  
 8 (12) IC 14-33-21-5;  
 9 (13) IC 15-14-7-4;  
 10 (14) IC 15-14-9-1;  
 11 (15) IC 15-14-9-2;  
 12 (16) IC 16-20-2-18;  
 13 (17) IC 16-20-4-27;  
 14 (18) IC 16-20-7-2;  
 15 (19) IC 16-22-14;  
 16 (20) IC 16-23-1-29;  
 17 (21) IC 16-23-3-6;  
 18 (22) IC 16-23-4-2;  
 19 (23) IC 16-23-5-6;  
 20 (24) IC 16-23-7-2;  
 21 (25) IC 16-23-8-2;  
 22 (26) IC 16-23-9-2;  
 23 (27) IC 16-41-15-5;  
 24 (28) IC 16-41-33-4;  
 25 ~~(29) IC 20-46-2-3 (before its repeal on January 1, 2009);~~  
 26 ~~(30)~~ **(29)** IC 20-46-6-5;  
 27 ~~(31)~~ **(30)** IC 20-49-2-10;  
 28 ~~(32)~~ **(31)** IC 36-1-19-1;  
 29 ~~(33)~~ **(32)** IC 23-14-66-2;  
 30 ~~(34)~~ **(33)** IC 23-14-67-3;  
 31 ~~(35)~~ **(34)** IC 36-7-13-4;  
 32 ~~(36)~~ **(35)** IC 36-7-14-28;  
 33 ~~(37)~~ **(36)** IC 36-7-15.1-16;  
 34 ~~(38)~~ **(37)** IC 36-8-19-8.5;  
 35 ~~(39)~~ **(38)** IC 36-9-6.1-2;  
 36 ~~(40)~~ **(39)** IC 36-9-17.5-4;  
 37 ~~(41)~~ **(40)** IC 36-9-27-73;  
 38 ~~(42)~~ **(41)** IC 36-9-29-31;  
 39 ~~(43)~~ **(42)** IC 36-9-29.1-15;  
 40 ~~(44)~~ **(43)** IC 36-10-6-2;  
 41 ~~(45)~~ **(44)** IC 36-10-7-7;  
 42 ~~(46)~~ **(45)** IC 36-10-7-8;



- 1           ~~(47)~~ **(46)** IC 36-10-7.5-19;  
 2           ~~(48)~~ **(47)** IC 36-10-13-5;  
 3           ~~(49)~~ **(48)** IC 36-10-13-7;  
 4           ~~(50)~~ **(49)** IC 36-10-14-4;  
 5           ~~(51)~~ **(50)** IC 36-12-7-7;  
 6           ~~(52)~~ **(51)** IC 36-12-7-8;  
 7           ~~(53)~~ **(52)** IC 36-12-12-10;  
 8           ~~(54)~~ **(53)** a statute listed in IC 6-1.1-18.5-9.8; and  
 9           ~~(55)~~ **(54)** any statute enacted after December 31, 2003, that:  
 10           (A) establishes a maximum rate for any part of the:  
 11               (i) property taxes; or  
 12               (ii) special benefits taxes;  
 13           imposed by a political subdivision; and  
 14           (B) does not exempt the maximum rate from the adjustment  
 15           under this section.  
 16           (e) For property tax rates imposed for property taxes first due and  
 17           payable after December 31, 2013, the new maximum rate under a  
 18           statute listed in subsection (d) is the tax rate determined under STEP  
 19           EIGHT of the following STEPS:  
 20           STEP ONE: Except as provided in subsection (g), determine the  
 21           maximum rate for the political subdivision levying a property tax  
 22           or special benefits tax under the statute for the previous calendar  
 23           year.  
 24           STEP TWO: Determine the actual percentage change (rounded to  
 25           the nearest one-hundredth percent (0.01%)) in the assessed value  
 26           of the taxable property from the previous calendar year to the year  
 27           in which the affected property taxes will be imposed.  
 28           STEP THREE: Determine the three (3) calendar years that  
 29           immediately precede the year in which the affected property taxes  
 30           will be imposed.  
 31           STEP FOUR: Compute separately, for each of the calendar years  
 32           determined in STEP THREE, the actual percentage change  
 33           (rounded to the nearest one-hundredth percent (0.01%)) in the  
 34           assessed value (before the adjustment, if any, under  
 35           IC 6-1.1-4-4.5) of the taxable property from the preceding year.  
 36           STEP FIVE: Divide the sum of the three (3) quotients computed  
 37           in STEP FOUR by three (3).  
 38           STEP SIX: Determine the greater of the following:  
 39               (A) Zero (0).  
 40               (B) The STEP FIVE result.  
 41           STEP SEVEN: Determine the greater of the following:  
 42               (A) Zero (0).



- 1 (B) The result of the STEP TWO percentage minus the STEP  
 2 SIX percentage, if any.
- 3 STEP EIGHT: Determine the quotient of the STEP ONE tax rate  
 4 divided by the sum of one (1) plus the STEP SEVEN percentage,  
 5 if any.
- 6 (f) The department of local government finance shall compute the  
 7 maximum rate allowed under subsection (e) and provide the rate to  
 8 each political subdivision with authority to levy a tax under a statute  
 9 listed in subsection (d).
- 10 (g) This subsection applies only when calculating the maximum rate  
 11 for taxes due and payable in calendar year 2013. The STEP ONE result  
 12 is the greater of the following:
- 13 (1) The actual maximum rate established for property taxes first  
 14 due and payable in calendar year 2012.
- 15 (2) The maximum rate that would have been established for  
 16 property taxes first due and payable in calendar year 2012 if the  
 17 maximum rate had been established under the formula under this  
 18 section, as amended in the 2012 session of the general assembly.
- 19 (h) This subsection applies only when calculating the maximum rate  
 20 allowed under subsection (e) for the Vincennes Community School  
 21 Corporation with respect to property taxes first due and payable in  
 22 2014. The subsection (e) STEP ONE result for the school corporation's  
 23 capital projects fund is nineteen and forty-two hundredths cents  
 24 (\$0.1942).
- 25 (i) This subsection does not apply when calculating the maximum  
 26 rate for the Vincennes Community School Corporation. This subsection  
 27 applies only when calculating the maximum rate for a school  
 28 corporation's capital projects fund for taxes due and payable in calendar  
 29 year 2016. The subsection (e) STEP ONE result for purposes of the  
 30 calculation of that maximum rate is the greater of the following:
- 31 (1) The actual maximum rate established for the school  
 32 corporation's capital projects fund for property taxes first due and  
 33 payable in calendar year 2015.
- 34 (2) The maximum rate that would have been established for the  
 35 school corporation's capital projects fund for property taxes first  
 36 due and payable in calendar year 2015 if the formula specified in  
 37 subsection (e) had been in effect for the determination of  
 38 maximum rates for each calendar year after 2006.
- 39 SECTION 3. IC 13-21-3-12, AS AMENDED BY P.L.83-2015,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this  
 42 chapter and subject to subsection (b), the powers of a district include



- 1 the following:
- 2 (1) The power to develop and implement a district solid waste
- 3 management plan under IC 13-21-5.
- 4 (2) The power to impose district fees on the final disposal of solid
- 5 waste within the district under IC 13-21-13.
- 6 (3) The power to receive and disburse money, if the primary
- 7 purpose of activities undertaken under this subdivision is to carry
- 8 out the provisions of this article.
- 9 (4) The power to sue and be sued.
- 10 (5) The power to plan, design, construct, finance, manage, own,
- 11 lease, operate, and maintain facilities for solid waste
- 12 management.
- 13 (6) The power to enter with any person into a contract or an
- 14 agreement that is necessary or incidental to the management of
- 15 solid waste. Contracts or agreements that may be entered into
- 16 under this subdivision include those for the following:
- 17 (A) The design, construction, operation, financing, ownership,
- 18 or maintenance of facilities by the district or any other person.
- 19 (B) The managing or disposal of solid waste.
- 20 (C) The sale or other disposition of materials or products
- 21 generated by a facility.
- 22 Notwithstanding any other statute, the maximum term of a
- 23 contract or an agreement described in this subdivision may not
- 24 exceed forty (40) years.
- 25 (7) The power to enter into agreements for the leasing of facilities
- 26 in accordance with IC 36-1-10 or IC 36-9-30.
- 27 (8) The power to purchase, lease, or otherwise acquire real or
- 28 personal property for the management or disposal of solid waste.
- 29 (9) The power to sell or lease any facility or part of a facility to
- 30 any person.
- 31 (10) The power to make and contract for plans, surveys, studies,
- 32 and investigations necessary for the management or disposal of
- 33 solid waste.
- 34 (11) The power to enter upon property to make surveys,
- 35 soundings, borings, and examinations.
- 36 (12) The power to:
- 37 (A) accept gifts, grants, loans of money, other property, or
- 38 services from any source, public or private; and
- 39 (B) comply with the terms of the gift, grant, or loan.
- 40 (13) **Subject to subsection (e)**, the power to levy a tax within the
- 41 district to pay costs of operation in connection with solid waste
- 42 management, subject to the following:



- 1 (A) Regular budget and tax levy procedures.  
 2 (B) Section 16 of this chapter.  
 3 However, except as provided in sections 15 and 15.5 of this  
 4 chapter **(before their expiration on January 1, 2019)**, a property  
 5 tax rate imposed under this article may not exceed eight and  
 6 thirty-three hundredths cents (\$0.0833) on each one hundred  
 7 dollars (\$100) of assessed valuation of property in the district.  
 8 (14) The power to borrow in anticipation of **any of the following:**  
 9 (A) **Subject to subsection (e), property taxes to be imposed**  
 10 **by the district.**  
 11 (B) **Revenue to be received from sources other than**  
 12 **property taxes.**  
 13 (15) The power to hire the personnel necessary for the  
 14 management or disposal of solid waste in accordance with an  
 15 approved budget and to contract for professional services.  
 16 (16) The power to otherwise do all things necessary for the:  
 17 (A) reduction, management, and disposal of solid waste; and  
 18 (B) recovery of waste products from the solid waste stream;  
 19 if the primary purpose of activities undertaken under this  
 20 subdivision is to carry out the provisions of this article.  
 21 (17) The power to adopt resolutions that have the force of law.  
 22 However, a resolution is not effective in a municipality unless the  
 23 municipality adopts the language of the resolution by ordinance  
 24 or resolution. **The power of a district to adopt a resolution**  
 25 **under this subdivision is subject to subsection (e) and**  
 26 **IC 13-21-14-0.5.**  
 27 (18) The power to do the following:  
 28 (A) Implement a household hazardous waste and conditionally  
 29 exempt small quantity generator (as described in 40 CFR  
 30 261.5(a)) collection and disposal project.  
 31 (B) Apply for a household hazardous waste collection and  
 32 disposal project grant under IC 13-20-20 and carry out all  
 33 commitments contained in a grant application.  
 34 (C) Establish and maintain a program of self-insurance for a  
 35 household hazardous waste and conditionally exempt small  
 36 quantity generator (as described in 40 CFR 261.5(a))  
 37 collection and disposal project, so that at the end of the  
 38 district's fiscal year the unused and unencumbered balance of  
 39 appropriated money reverts to the district's general fund only  
 40 if the district's board specifically provides by resolution to  
 41 discontinue the self-insurance fund.  
 42 (D) Apply for a household hazardous waste project grant as



- 1 described in IC 13-20-22-2 and carry out all commitments  
 2 contained in a grant application.
- 3 (19) The power to enter into an interlocal cooperation agreement  
 4 under IC 36-1-7 to obtain:
- 5 (A) fiscal;  
 6 (B) administrative;  
 7 (C) managerial; or  
 8 (D) operational;  
 9 services from a county or municipality.
- 10 (20) The power to compensate advisory committee members for  
 11 attending meetings at a rate determined by the board.
- 12 (21) The power to reimburse board and advisory committee  
 13 members for travel and related expenses at a rate determined by  
 14 the board.
- 15 (22) The power to pay a fee from district money to:
- 16 (A) in a joint district, the county or counties in which a final  
 17 disposal facility is located; or  
 18 (B) a county that:
- 19 (i) was part of a joint district;  
 20 (ii) has withdrawn from the joint district as of January 1,  
 21 2008; and  
 22 (iii) has established its own district in which a final disposal  
 23 facility is located.
- 24 (23) The power to make grants or loans of:
- 25 (A) money;  
 26 (B) property; or  
 27 (C) services;  
 28 to public or private recycling programs, composting programs, or  
 29 any other programs that reuse any component of the waste stream  
 30 as a material component of another product, if the primary  
 31 purpose of activities undertaken under this subdivision is to carry  
 32 out the provisions of this article.
- 33 (24) The power to establish by resolution a nonreverting capital  
 34 fund. A district's board may appropriate money in the fund for:
- 35 (A) equipping;  
 36 (B) expanding;  
 37 (C) modifying; or  
 38 (D) remodeling;  
 39 an existing facility. Expenditures from a capital fund established  
 40 under this subdivision must further the goals and objectives  
 41 contained in a district's solid waste management plan. Not more  
 42 than five percent (5%) of the district's total annual budget for the



1 year may be transferred to the capital fund that year. The balance  
 2 in the capital fund may not exceed twenty-five percent (25%) of  
 3 the district's total annual budget. If a district's board determines  
 4 by resolution that a part of a capital fund will not be needed to  
 5 further the goals and objectives contained in the district's solid  
 6 waste management plan, that part of the capital fund may be  
 7 transferred to the district's general fund, to be used to offset  
 8 tipping fees, property tax revenues, or both tipping fees and  
 9 property tax revenues.

10 (25) The power to conduct promotional or educational programs  
 11 that include giving awards and incentives that further:

12 (A) the district's solid waste management plan; and

13 (B) the objectives of minimum educational standards  
 14 established by the department of environmental management.

15 (26) The power to conduct educational programs under  
 16 IC 13-20-17.5 to provide information to the public concerning:

17 (A) the reuse and recycling of mercury in:

18 (i) mercury commodities; and

19 (ii) mercury-added products; and

20 (B) collection programs available to the public for:

21 (i) mercury commodities; and

22 (ii) mercury-added products.

23 (27) The power to implement mercury collection programs under  
 24 IC 13-20-17.5 for the public and small businesses.

25 (28) The power to conduct educational programs under  
 26 IC 13-20.5 to provide information to the public concerning:

27 (A) reuse and recycling of electronic waste;

28 (B) collection programs available to the public for the disposal  
 29 of electronic waste; and

30 (C) proper disposal of electronic waste.

31 (b) Before the county district of a county that has a population of  
 32 more than four hundred thousand (400,000) but less than seven  
 33 hundred thousand (700,000) may exercise a power set forth in  
 34 subsection (a) to:

35 (1) enter into a contract or other agreement to construct a final  
 36 disposal facility;

37 (2) enter into an agreement for the leasing of a final disposal  
 38 facility;

39 (3) sell or lease a final disposal facility; or

40 (4) borrow in anticipation of taxes;

41 the county district must submit a recommendation to the county  
 42 executive of the county concerning the county district's proposed



1 exercise of the power, subject to subsections (c) and (d).

2 (c) In response to a recommendation submitted under subsection  
3 (b), the county executive may adopt a resolution:

4 (1) confirming the authority of the county district to exercise the  
5 power or powers referred to in subsection (b), as proposed in the  
6 recommendation; or

7 (2) denying the county district the authority to exercise the power  
8 or powers as proposed in the recommendation;

9 subject to subsection (d).

10 (d) The county district may exercise one (1) or more powers referred  
11 to in subsection (b), as proposed in a recommendation submitted to the  
12 county executive under subsection (b), if:

13 (1) the county executive, in response to the recommendation,  
14 adopts a confirming resolution under subsection (c)(1)  
15 authorizing the county district to exercise the power or powers; or  
16 (2) the county executive adopts no resolution under subsection (c)  
17 within forty-five (45) calendar days after the day on which the  
18 county district submits the recommendation to the county  
19 executive under subsection (b).

20 **(e) A district may not do any of the following:**

21 **(1) Except as provided in IC 13-21-7-1(g) concerning**  
22 **outstanding bonds and other debt obligations, levy a property**  
23 **tax that is first due and payable in 2017 or in 2018 in a county**  
24 **for which the county legislative body has adopted an**  
25 **ordinance under IC 13-21-16-1(1) to opt out of solid waste**  
26 **management district property taxation in 2017 and 2018.**

27 **(2) Except as provided in IC 13-21-7-1(g) concerning**  
28 **outstanding bonds and other debt obligations, levy a property**  
29 **tax that is first due and payable in 2018 in a county for which**  
30 **the county legislative body has adopted an ordinance under**  
31 **IC 13-21-16-1(2) to opt out of solid waste management district**  
32 **property taxation in 2018.**

33 **(3) Except as provided in IC 13-21-7-1(d) concerning**  
34 **outstanding bonds, levy a property tax that is first due and**  
35 **payable after December 31, 2018.**

36 SECTION 4. IC 13-21-3-15, AS AMENDED BY P.L.119-2012,  
37 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A district located in a county  
39 having a population of more than thirty-three thousand five hundred  
40 (33,500) but less than thirty-four thousand (34,000) may appeal to the  
41 department of local government finance to have a property tax rate in  
42 excess of the rate permitted by section 12 of this chapter. The appeal



1 may be granted if the district establishes that all of the following  
2 conditions exist:

3 (1) The district is in the process of constructing a landfill.

4 (2) A higher property tax rate is necessary to pay the fees charged  
5 by out of county landfills to dispose of solid waste generated in  
6 the district during the design and construction phases of the  
7 landfill being established by the district.

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

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

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

17 **(e) This section expires January 1, 2019.**

18 SECTION 5. IC 13-21-3-15.5, AS AMENDED BY P.L.146-2008,  
19 SECTION 423, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) A district may appeal to  
21 the department of local government finance to have a property tax rate  
22 in excess of the rate permitted by section 12 of this chapter. The appeal  
23 may be granted if the district with respect to 2001 property taxes  
24 payable in 2002:

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

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

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

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

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

38 **(e) This section expires January 1, 2019.**

39 SECTION 6. IC 13-21-3-16, AS AMENDED BY P.L.189-2005,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2016]: Sec. 16. (a) The requirements of this section:

42 (1) are in addition to the requirements set forth in



- 1 IC 6-1.1-18.5-7(b); and  
 2 (2) do not apply to a district that:  
 3 (A) owns a landfill;  
 4 (B) will use property tax revenue to:  
 5 (i) construct a new landfill cell; or  
 6 (ii) close a landfill cell;  
 7 at the landfill; and  
 8 (C) has received approval from the county fiscal body of the  
 9 county in which the landfill is located to construct or close the  
 10 landfill cell.
- 11 (b) **Subject to IC 13-21-7-1(c)**, to be eligible to include within the  
 12 district's budget for the following year tax revenue derived from the  
 13 imposition of a property tax, the first year that a property tax will be  
 14 imposed and any subsequent year in which the proposed tax levy will  
 15 increase by five percent (5%) or more, a board must present identical  
 16 resolutions to each of the county fiscal bodies within the district  
 17 seeking approval for the use of property tax revenue within the district.  
 18 The resolution must state the proposed property tax levy and the  
 19 proposed use of the revenue. The resolution must be stated so that:  
 20 (1) a "yes" vote indicates approval of the levy and the proposed  
 21 use of property tax revenue within the district; and  
 22 (2) a "no" vote indicates disapproval of the levy and the proposed  
 23 use of property tax revenue within the district.
- 24 (c) For a resolution described in subsection (b) to be approved by  
 25 the county fiscal body:  
 26 (1) the county fiscal body must record the vote taken on the  
 27 resolution under subsection (b) before May 1 of the year in which  
 28 the vote was taken; and  
 29 (2) the recorded vote must indicate approval of the use of property  
 30 tax revenue within the district.
- 31 (d) If all of the county fiscal bodies within a district do not record  
 32 the approval described in subsection (c) before May 1 of the year in  
 33 which the vote under subsection (b) was taken, the board may not:  
 34 (1) impose; or  
 35 (2) include within the budget of the board;  
 36 a property tax for the year following the year in which the vote was  
 37 taken.
- 38 (e) Notwithstanding subsection (d), **and subject to section 12(e) of**  
 39 **this chapter**, after the first year a tax is imposed under this section, the  
 40 resolution required by subsection (b) for a district that is located in  
 41 more than two (2) counties need only be approved by a majority of the  
 42 county fiscal bodies for the counties in which the district is located.



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

5 SECTION 7. IC 13-21-7-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A special taxing  
 7 district is established in each solid waste management district  
 8 established under IC 13-21-3 or IC 13-9.5-2 (before its repeal) for the  
 9 purpose of providing persons within the district with solid waste  
 10 management service.

11 (b) The special taxing district is coterminous with the territory of the  
 12 district.

13 (c) **Except as provided in subsection (d), a solid waste**  
 14 **management district may not levy a property tax that is first due**  
 15 **and payable after December 31, 2018.**

16 (d) **A solid waste management district may levy a property tax**  
 17 **that is first due and payable after December 31, 2018, for the**  
 18 **purpose of paying bonds described in section 9(b) of this chapter.**

19 (e) **Except as provided in subsection (g), if the legislative body**  
 20 **of a county has adopted an ordinance under IC 13-21-16-1(1) to opt**  
 21 **out of solid waste management district property taxation in 2017**  
 22 **and 2018, a solid waste management district may not levy within**  
 23 **the county a property tax that is due and payable in 2017 or in**  
 24 **2018.**

25 (f) **Except as provided in subsection (g), if the legislative body of**  
 26 **a county has adopted an ordinance under IC 13-21-16-1(2) to opt**  
 27 **out of solid waste management district property taxation in 2018,**  
 28 **a solid waste management district may not levy within the county**  
 29 **a property tax that is due and payable in 2018.**

30 (g) **If a solid waste management district has outstanding bonds**  
 31 **or other debt obligations payable from property taxes imposed by**  
 32 **the district at the time the county legislative body adopts the**  
 33 **ordinance under IC 13-21-16-1(1) to opt out of solid waste**  
 34 **management district property taxation in 2017 and 2018 or under**  
 35 **IC 13-21-16-1(2) to opt out of solid waste management district**  
 36 **property taxation in 2018, the district shall continue to impose**  
 37 **within the county the debt service tax levy necessary to pay the**  
 38 **principal and interest on the outstanding bonds or other debt**  
 39 **obligations.**

40 SECTION 8. IC 13-21-7-2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board  
 42 may **before April 1, 2016**, issue waste management district bonds



1 under this chapter for the payment of the cost of the facility. Before  
2 authorizing the waste management district bonds, the board may:

- 3 (1) accept public bids for the facility; or  
4 (2) adopt a resolution approving a request for proposals under  
5 IC 13-21-6.

6 **(b) Except as provided in subsection (c), a board may not issue  
7 bonds under this chapter by a district after March 31, 2016.**

8 **(c) Bonds issued under this chapter before April 1, 2016, may be  
9 refunded as provided in IC 13-21-10-1 if the maturity date of the  
10 refunding bonds is not later than the maturity date of the bonds  
11 issued under this chapter that are to be refunded.**

12 **(d) Effective April 1, 2016, the authority of a district to issue  
13 bonds under this chapter is transferred to the county or counties  
14 that are members of the district.**

15 SECTION 9. IC 13-21-7-9 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Subject to  
17 subsection (b) and section 2(d) of this chapter**, for the purpose of  
18 raising money to pay waste management district bonds issued under  
19 this chapter or IC 13-9.5-9-3 (before its repeal), the board shall levy  
20 each year a special tax upon all the real property of the district in the  
21 amount and the manner necessary to meet and pay the following:

- 22 (1) The principal of the waste management district bonds as the  
23 bonds severally mature.  
24 (2) All accruing interest on the bonds.

25 **(b) A tax may be levied under this section by a district only to  
26 pay:**

- 27 **(1) waste management district bonds issued before April 1,  
28 2016, under this chapter or IC 13-9.5-9-3 (before its repeal);  
29 or  
30 (2) subject to section 2(c) of this chapter, bonds issued as  
31 provided in IC 13-21-10-1 to refund waste management  
32 district bonds described in subdivision (1).**

33 ~~(b)~~ **(c)** The tax constitutes the amount of benefits resulting to all of  
34 the property in the district.

35 SECTION 10. IC 13-21-7-10 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The tax  
37 levied ~~each year to pay bonds issued by a county after March 31,~~  
38 **2016, or bonds described in section 9(b) of this chapter** shall be  
39 certified to the following:

- 40 (1) The controller of the district.  
41 (2) The county auditor of each county within the district.

42 (b) The:



1 (1) county auditor shall estimate and enter the tax levied and  
2 certified upon the tax duplicate; and

3 (2) county treasurer shall collect and enforce the tax;  
4 in the same manner as county taxes are estimated, entered, collected,  
5 and enforced.

6 (c) As the county treasurer collects the tax, the tax shall be:

7 (1) transferred to the controller of the district;

8 (2) kept in a separate fund to be known as the waste management  
9 district bond fund; and

10 (3) applied to the payment of the principal of and interest on the  
11 waste management district bonds as the bonds become due and to  
12 no other purpose, except as provided in IC 5-1-13 and IC 5-1-14.

13 SECTION 11. IC 13-21-7-11 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In fixing the  
15 amount of the necessary levy **to pay bonds issued by a county after**  
16 **March 31, 2016, or bonds described in section 9(b) of this chapter,**  
17 the board shall consider:

18 (1) the amount of net revenues, if any, to be derived from the  
19 collection of fees under this article; or

20 (2) any other net revenues collected under the following:

21 (A) IC 13-21-3-13.

22 (B) This chapter.

23 (C) IC 13-21-8 through IC 13-21-12.

24 (D) IC 13-21-14.

25 (b) Instead of making the levy or to reduce the amount of the levy,  
26 the board shall annually set aside by resolution the amount of the net  
27 revenues to be collected before maturity of the principal and interest of  
28 the waste management district bonds payable in the following year.

29 (c) If the board adopts this resolution under subsection (b), the  
30 board may not use any part of the amount set aside out of the net  
31 revenues for any purpose other than the payment of waste management  
32 district bonds and the interest on the bonds. A proportionate payment  
33 of this amount shall be made monthly to the fund.

34 SECTION 12. IC 13-21-14-0.5 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
36 **[EFFECTIVE JULY 1, 2016]: Sec. 0.5. A board may not impose a fee**  
37 **under this chapter that:**

38 (1) **is a flat charge for each residence or building in use in the**  
39 **county or is otherwise imposed on a uniform basis on all**  
40 **residents or property owners; and**

41 (2) **is first due and payable after:**

42 (A) **December 31, 2016, in a county for which the county**



1 legislative body has adopted an ordinance under  
 2 IC 13-21-16-1(1) to opt out of solid waste management  
 3 district property taxation in 2017 and 2018;

4 (B) December 31, 2017, in a county for which the county  
 5 legislative body has adopted an ordinance under  
 6 IC 13-21-16-1(2) to opt out of solid waste management  
 7 district property taxation in 2018; or

8 (C) December 31, 2018, in a county not described in clause  
 9 (A) or (B).

10 SECTION 13. IC 13-21-14-2 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The board may fix  
 12 the solid waste management fees on the basis of the following:

13 (1) A flat charge for each residence or building in use in the waste  
 14 management district, before:

15 (A) December 31, 2016, in a county for which the county  
 16 legislative body has adopted an ordinance under  
 17 IC 13-21-16-1(1) to opt out of solid waste management  
 18 district property taxation in 2017 and 2018;

19 (B) December 31, 2017, in a county for which the county  
 20 legislative body has adopted an ordinance under  
 21 IC 13-21-16-1(2) to opt out of solid waste management  
 22 district property taxation in 2018; or

23 (C) December 31, 2018, in a county not described in clause  
 24 (A) or (B).

25 (2) The weight or volume of the refuse received.

26 (3) The average number of containers or bags of refuse received.

27 (4) The relative difficulty associated with the collection or  
 28 management of the solid waste received.

29 (5) Any other criteria that the board determines to be logically  
 30 related to the service.

31 (6) Any combination of these criteria.

32 SECTION 14. IC 13-21-16 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]:

35 **Chapter 16. County Option Concerning District Property Tax**  
 36 **Levies in 2017 and in 2018**

37 **Sec. 1. The legislative body of a county may do one (1), but not**  
 38 **both, of the following:**

39 (1) Adopt an ordinance before August 1, 2016, specifying that,  
 40 except as provided in IC 13-21-7-1(g) concerning outstanding  
 41 bonds and other debt obligations, a district may not levy  
 42 within the county a property tax that is first due and payable



1 in 2017 or in 2018.

2 (2) Adopt an ordinance before August 1, 2017, specifying that,  
3 except as provided in IC 13-21-7-1(g) concerning outstanding  
4 bonds and other debt obligations, a district may not levy  
5 within the county a property tax that is first due and payable  
6 in 2018.

7 Sec. 2. If the legislative body of a county adopts an ordinance  
8 under section 1 of this chapter, the legislative body shall certify a  
9 copy of the ordinance to the county auditor, the department of  
10 local government finance, and the board of the district.

11 Sec. 3. If a county that is a member of a joint solid waste  
12 management district adopts an ordinance under section 1 of this  
13 chapter, the department of local government finance shall reduce  
14 the joint solid waste management district's maximum permissible  
15 property tax levy. The reduction shall be made beginning with the  
16 first year in which a property tax levy may not be levied in the  
17 county by the joint solid waste management district. The amount  
18 of the reduction in the joint solid waste management district's  
19 maximum permissible property tax levy is equal to the result of:

20 (1) the amount of the joint solid waste management district's  
21 maximum permissible property tax levy that would apply  
22 without the reduction under this section; multiplied by

23 (2) a fraction equal to:

24 (A) the certified assessed valuation for the preceding year  
25 of the county that adopted the ordinance under section 1 of  
26 this chapter; divided by

27 (B) the certified assessed valuation for the preceding year  
28 of all counties that are members of the joint solid waste  
29 management district.

30 Sec. 4. This chapter expires January 1, 2019.

31 SECTION 15. IC 36-2-21 IS ADDED TO THE INDIANA CODE  
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2016]:

34 **Chapter 21. County Solid Waste Management Fees**

35 Sec. 1. (a) A county fiscal body may impose solid waste  
36 management fees as provided in this chapter.

37 (b) The county fiscal body may change and readjust fees as  
38 necessary.

39 Sec. 2. (a) A fee imposed by a county fiscal body under this  
40 chapter may not take effect before the following dates:

41 (1) January 1, 2017, in the case of a county for which the  
42 county legislative body has adopted an ordinance under



1           **IC 13-21-16-1(1) to opt out of solid waste management district**  
 2           **property taxation in 2017 and 2018.**  
 3           **(2) January 1, 2018, in the case of a county for which the**  
 4           **county legislative body has adopted an ordinance under**  
 5           **IC 13-21-16-1(2) to opt out of solid waste management district**  
 6           **property taxation in 2018.**  
 7           **(3) January 1, 2019, in the case of a county that:**  
 8                   **(A) did not adopt an ordinance IC 13-21-16-1(1) to opt out**  
 9                   **of solid waste management district property taxation in**  
 10                   **2017 and 2018 or an ordinance under IC 13-21-16-1(2) to**  
 11                   **opt out of solid waste management district property**  
 12                   **taxation in 2018; and**  
 13                   **(B) is:**  
 14                           **(i) designated as a county solid waste management**  
 15                           **district under IC 13-21; or**  
 16                           **(ii) a member of a joint solid waste management district**  
 17                           **under IC 13-21.**  
 18           **(b) Subject to subsection (a), the county fiscal body may impose**  
 19           **a fee under this chapter on persons generating solid waste in the**  
 20           **county. The fee imposed under this chapter may be imposed only:**  
 21                   **(1) as a flat charge for each residence in the county that**  
 22                   **generates solid waste and each building in the county that**  
 23                   **generates solid waste; or**  
 24                   **(2) as a user fee on a uniform basis on all:**  
 25                           **(A) residents; and**  
 26                           **(B) property owners;**  
 27                   **that use solid waste collection services or other solid waste**  
 28                   **district services within the county.**  
 29           **Sec. 3. The billing and collection of the fees authorized by this**  
 30           **chapter may be made through a periodic billing system. The**  
 31           **county fiscal body may in the ordinance imposing a fee specify that**  
 32           **the payment of the fee shall be made to the county auditor. The fees**  
 33           **may not be billed or otherwise collected through the use of a**  
 34           **taxpayer's property tax statement under IC 6-1.1-22 or**  
 35           **IC 6-1.1-22.5.**  
 36           **Sec. 4. (a) A fee may be established under this chapter only by**  
 37           **the adoption of an ordinance by the county fiscal body after public**  
 38           **notice and a public hearing before the county fiscal body at which**  
 39           **the public has an opportunity to be heard concerning the proposed**  
 40           **fees.**  
 41                   **(b) After the introduction of an ordinance fixing fees and before**  
 42           **the ordinance is adopted, public notice of the hearing, setting forth**



1 the schedule of fees, shall be given. The hearing may be adjourned  
2 as necessary.

3 (c) After the hearing, the ordinance establishing fees, either as  
4 originally introduced or as amended, may be passed and put into  
5 effect.

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

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

8 (2) open to inspection by all interested persons.

9 (e) A change or readjustment of fees may be made in the same  
10 manner as the fees were originally established.

11 Sec. 5. An action to contest:

12 (1) the validity of the fees adopted; or

13 (2) the procedure by which the fees were adopted;

14 must be brought within thirty (30) days following the adoption of  
15 the fees under section 4 of this chapter.

16 Sec. 6. Counties may use fees imposed under this chapter only  
17 for one (1) or more of the following purposes:

18 (1) Fees may be used to pay any of the following, at the  
19 discretion of the county fiscal body and after appropriation by  
20 the county fiscal body:

21 (A) The cost of facilities for solid waste management.

22 (B) The operation and maintenance of facilities, including  
23 making grants to a solid waste management district  
24 serving the county.

25 (C) The charges that may be pledged to the payment of  
26 principal of and interest on waste management facility or  
27 revenue bonds.

28 (D) The costs of implementing a district's district plan.

29 (2) Fees may be transferred to the district in which the county  
30 is participating.

31 Sec. 7. (a) If a fee established is not paid within the time fixed by  
32 the county, the amount, together with:

33 (1) a penalty determined by the county fiscal body, not to  
34 exceed twenty-five dollars (\$25); and

35 (2) reasonable attorney's fees;

36 may be recovered in a civil action in the name of the county.

37 (b) If a fee that is imposed on a lot, parcel of land, or building is  
38 not paid within the time fixed by the county, the amount of the fee,  
39 together with a penalty determined by the county fiscal body (not  
40 to exceed twenty-five dollars (\$25)) and reasonable attorney's fees,  
41 is a lien on the lot, parcel of land, or building. The liens:

42 (1) attach;



1           (2) shall be recorded; and  
2           (3) shall be collected and enforced;  
3       **in substantially the same manner as provided in IC 36-9-23-31**  
4       **through IC 36-9-23-32. However, unpaid fees and penalties may**  
5       **not be billed or otherwise collected through the use of a taxpayer's**  
6       **property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.**  
7       **Sec. 8. A county may not exercise its authority under this**  
8       **chapter to impose a fee on the:**  
9           (1) owner of real or personal property that is used solely as a  
10          transfer station; or  
11          (2) operation of a transfer station.  
12       **SECTION 16. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 88 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 2

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Report of the President  
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Committee Report on January 12, 2016, Senate Bill 88 was reassigned to the Committee on Tax & Fiscal Policy.

LONG

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COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 88, 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:

Replace the effective dates in SECTIONS 9 through 12 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 33 through 42, begin a new line block indented and insert:

**"(1) This subdivision applies to a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018. Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a**

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**property tax that is first due and payable in 2017 or in 2018. The county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district. This subdivision expires January 1, 2019.**

**(2) This subdivision applies to a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018. Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy a property tax that is first due and payable within the county in 2018. The county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district. This subdivision expires January 1, 2019.**

**(3) Except as provided in IC 13-21-7-1(d) concerning outstanding bonds, a district may not levy a property tax that is first due and payable after December 31, 2018. A county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district."**

Page 3, delete lines 1 through 13.

Page 3, line 41, delete "2018);" and insert "2019);".

Page 4, line 1, delete "2018);" and insert "2019);".

Page 6, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-21-3-12, AS AMENDED BY P.L.83-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this chapter and subject to subsection (b), 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 in accordance with IC 36-1-10 or IC 36-9-30.

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

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

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

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

(12) The power to:

- (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
- (B) comply with the terms of the gift, grant, or loan.

(13) **Subject to subsection (e)**, the power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

- (A) Regular budget and tax levy procedures.
- (B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter **(before their expiration on January 1, 2019)**, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of **any of the following**:

- (A) Subject to subsection (e), property taxes to be imposed by the district.**
- (B) Revenue to be received from sources other than property taxes.**



- (15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.
- (16) The power to otherwise do all things necessary for the:
- (A) reduction, management, and disposal of solid waste; and
  - (B) recovery of waste products from the solid waste stream;
- if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution. **The power of a district to adopt a resolution under this subdivision is subject to subsection (e) and IC 13-21-14-0.5.**
- (18) The power to do the following:
- (A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.
  - (B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.
  - (C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.
  - (D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.
- (19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:
- (A) fiscal;
  - (B) administrative;
  - (C) managerial; or
  - (D) operational;
- services from a county or municipality.
- (20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.
- (21) The power to reimburse board and advisory committee



members for travel and related expenses at a rate determined by the board.

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

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

(B) a county that:

(i) was part of a joint district;

(ii) has withdrawn from the joint district as of January 1, 2008; and

(iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

(A) equipping;

(B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and



(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

- (i) mercury commodities; and
- (ii) mercury-added products; and

(B) collection programs available to the public for:

- (i) mercury commodities; and
- (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

- (A) reuse and recycling of electronic waste;
- (B) collection programs available to the public for the disposal of electronic waste; and
- (C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

- (1) enter into a contract or other agreement to construct a final disposal facility;
- (2) enter into an agreement for the leasing of a final disposal facility;
- (3) sell or lease a final disposal facility; or
- (4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).

(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

- (1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or
- (2) denying the county district the authority to exercise the power or powers as proposed in the recommendation;

subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

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(1) the county executive, in response to the recommendation, adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or  
 (2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b).

**(e) A district may not do any of the following:**

**(1) Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, levy a property tax that is first due and payable in 2017 or in 2018 in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018.**

**(2) Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, levy a property tax that is first due and payable in 2018 in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018.**

**(3) Except as provided in IC 13-21-7-1(d) concerning outstanding bonds, levy a property tax that is first due and payable after December 31, 2018."**

Delete pages 7 through 10.

Page 11, delete lines 1 through 27.

Page 12, line 9, delete "2018." and insert "**2019**."

Page 12, line 30, delete "2018." and insert "**2019**."

Page 13, delete lines 39 through 42.

Page 14, delete lines 1 through 12.

Page 14, line 23, delete "2017." and insert "**2018**."

Page 14, line 25, delete "2017," and insert "**2018**,".

Page 14, between lines 26 and 27, begin a new paragraph and insert:

**"(e) Except as provided in subsection (g), if the legislative body of a county has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018, a solid waste management district may not levy within the county a property tax that is due and payable in 2017 or in 2018.**

**(f) Except as provided in subsection (g), if the legislative body of a county has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018, a solid waste management district may not levy within the county**



a property tax that is due and payable in 2018.

**(g) If a solid waste management district has outstanding bonds or other debt obligations payable from property taxes imposed by the district at the time the county legislative body adopts the ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018 or under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018, the district shall continue to impose within the county the debt service tax levy necessary to pay the principal and interest on the outstanding bonds or other debt obligations."**

Page 14, line 29, delete "July" and insert "**April**".

Page 14, line 36, after "chapter" insert "**by a district**".

Page 14, line 36, delete "June 30," and insert "**March 31,**".

Page 14, line 37, delete "July" and insert "**April**".

Page 14, between lines 40 and 41, begin a new paragraph and insert:

**"(d) Effective April 1, 2016, the authority of a district to issue bonds under this chapter is transferred to the county or counties that are members of the district."**

Page 15, line 1, after "(b)" delete "," and insert "**and section 2(d) of this chapter,**".

Page 15, line 9, after "section" insert "**by a district**".

Page 15, line 10, delete "July" and insert "**April**".

Page 15, line 20, after "bonds" insert "**issued by a county after March 31, 2016, or bonds**".

Page 15, line 39, after "bonds" insert "**issued by a county after March 31, 2016, or bonds**".

Page 16, line 18, delete "is first due and payable after December 31," and insert ":

**(1) is a flat charge for each residence or building in use in the county or is otherwise imposed on a uniform basis on all residents or property owners; and**

**(2) is first due and payable after:**

**(A) December 31, 2016, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018;**

**(B) December 31, 2017, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; or**

**(C) December 31, 2018, in a county not described in clause**



**(A) or (B)."**

Page 16, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 14. IC 13-21-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The board may fix the solid waste management fees on the basis of the following:

(1) A flat charge for each residence or building in use in the waste management district, **before:**

**(A) December 31, 2016, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018;**

**(B) December 31, 2017, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; or**

**(C) December 31, 2018, in a county not described in clause (A) or (B).**

(2) The weight or volume of the refuse received.

(3) The average number of containers or bags of refuse received.

(4) The relative difficulty associated with the collection or management of the solid waste received.

(5) Any other criteria that the board determines to be logically related to the service.

(6) Any combination of these criteria.

SECTION 15. IC 13-21-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 16. County Option Concerning District Property Tax Levies in 2017 and in 2018**

**Sec. 1. The legislative body of a county may do one (1), but not both, of the following:**

**(1) Adopt an ordinance before August 1, 2016, specifying that, except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a property tax that is first due and payable in 2017 or in 2018.**

**(2) Adopt an ordinance before August 1, 2017, specifying that, except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a property tax that is first due and payable in 2018.**



**Sec. 2. If the legislative body of a county adopts an ordinance under section 1 of this chapter, the legislative body shall certify a copy of the ordinance to the county auditor, the department of local government finance, and the board of the district.**

**Sec. 3. If a county that is a member of a joint solid waste management district adopts an ordinance under section 1 of this chapter, the department of local government finance shall reduce the joint solid waste management district's maximum permissible property tax levy. The reduction shall be made beginning with the first year in which a property tax levy may not be levied in the county by the joint solid waste management district. The amount of the reduction in the joint solid waste management district's maximum permissible property tax levy is equal to the result of:**

- (1) the amount of the joint solid waste management district's maximum permissible property tax levy that would apply without the reduction under this section; multiplied by**
- (2) a fraction equal to:**
  - (A) the certified assessed valuation for the preceding year of the county that adopted the ordinance under section 1 of this chapter; divided by**
  - (B) the certified assessed valuation for the preceding year of all counties that are members of the joint solid waste management district.**

**Sec. 4. This chapter expires January 1, 2019.**

SECTION 16. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 21. County Solid Waste Management Fees**

**Sec. 1. (a) A county fiscal body may impose solid waste management fees as provided in this chapter.**

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

**Sec. 2. (a) A fee imposed by a county fiscal body under this chapter may not take effect before the following dates:**

- (1) January 1, 2017, in the case of a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018.**
- (2) January 1, 2018, in the case of a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018.**



**(3) January 1, 2019, in the case of a county that:**

**(A) did not adopt an ordinance IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018 or an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; and**

**(B) is:**

**(i) designated as a county solid waste management district under IC 13-21; or**

**(ii) a member of a joint solid waste management district under IC 13-21.**

**(b) Subject to subsection (a), the county fiscal body may impose a fee under this chapter on persons generating solid waste in the county. The fee imposed under this chapter may be imposed only:**

**(1) as a flat charge for each residence in the county that generates solid waste and each building in the county that generates solid waste; or**

**(2) as a user fee on a uniform basis on all:**

**(A) residents; and**

**(B) property owners;**

**that use solid waste collection services or other solid waste district services within the county.**

**Sec. 3. The billing and collection of the fees authorized by this chapter may be made through a periodic billing system. The county fiscal body may in the ordinance imposing a fee specify that the payment of the fee shall be made to the county auditor. The fees may not be billed or otherwise collected through the use of a taxpayer's property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.**

**Sec. 4. (a) A fee may be established under this chapter only by the adoption of an ordinance by the county fiscal body after public notice and a public hearing before the county fiscal body at which the public has an opportunity to be heard concerning the proposed fees."**

Page 17, delete lines 1 through 23.

Page 18, line 1, after "following" delete ":" and insert ", **at the discretion of the county fiscal body and after appropriation by the county fiscal body:**".

Page 18, between lines 8 and 9, begin a new line double block indented and insert:

**"(D) The costs of implementing a district's district plan."**

Page 18, line 13, delete "of" and insert "**determined by the county**".



**fiscal body, not to exceed".**

Page 18, line 18, delete "of twenty-five dollars (\$25)" and insert **"determined by the county fiscal body (not to exceed twenty-five dollars (\$25))"**.

Page 18, line 25, after "IC 36-9-23-32." insert **"However, unpaid fees and penalties may not be billed or otherwise collected through the use of a taxpayer's property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5."**

Page 18, after line 30, begin a new paragraph and insert:  
**"SECTION 20. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 88 as printed January 13, 2016.)

HERSHMAN, Chairperson

Committee Vote: Yeas 7, Nays 6.

