



Reprinted
January 29, 2016

SENATE BILL No. 366

DIGEST OF SB 366 (Updated January 28, 2016 3:32 pm - DI 55)

Citations Affected: IC 13-21; IC 36-1.

Synopsis: Solid waste management districts. Provides that the requirement for each county to have a single-county solid waste management district or be a member of a joint solid waste management district expires July 1, 2017. Provides that after June 30, 2017: (1) a county may dissolve its single county solid waste management district if: (A) the county executive adopts an ordinance in favor of the dissolution of the district; and (B) the county legislative body follows the procedure by which a political subdivision that established another political subdivision may dissolve that other political subdivision; or (2) a county, by action of the county executive, may withdraw from a joint solid waste management district, adopt a plan concerning the county's share of the legal obligations and assets of the joint solid waste management district, and adopt an ordinance exercising the county's right not to be designated as a county solid waste management district and not to join another joint solid waste management district. Provides that a county, city, town, or township does not have the power to dissolve another political subdivision except as expressly granted by statute, but establishes a procedure, which includes public notice, a public meeting, and opportunity for public comment, by which a political subdivision that established another political subdivision may dissolve that other political subdivision. Eliminates the power of a solid waste management district to adopt resolutions that have the force of law and instead allows a solid waste management district to recommend the adoption of ordinances to the county legislative body.

Effective: July 1, 2016.

Brown L, Niemeyer

January 11, 2016, read first time and referred to Committee on Environmental Affairs.
January 25, 2016, amended, reported favorably — Do Pass.
January 28, 2016, read second time, amended, ordered engrossed.

SB 366—LS 6920/DI 55



Reprinted
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. 366

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 13-21-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as
3 provided in subsection (b), each county shall, by ordinance of the
4 county executive:
5 (1) join with one (1) or more other counties in establishing a joint
6 solid waste management district that includes the entire area of all
7 the acting counties; or
8 (2) designate itself as a county solid waste management district.
9 **This subsection expires July 1, 2017.**
10 (b) **After June 30, 2017, a county may, by ordinance of the**
11 **county executive:**
12 (1) **join with one (1) or more other counties in establishing a**
13 **joint solid waste management district that includes the entire**
14 **area of all the acting counties; or**
15 (2) **designate itself as a county solid waste management**

SB 366—LS 6920/DI 55



- 1 **district.**
- 2 ~~(b)~~ (c) Notwithstanding subsection (a)(1), if a county withdraws
- 3 from a joint solid waste management district under IC 13-21-4, the
- 4 county executive of the county may adopt an ordinance to join another
- 5 or establish another joint solid waste management district with one (1)
- 6 or more other counties:
- 7 (1) not earlier than fifteen (15) days; or
- 8 (2) not later than forty-five (45) days;
- 9 after the date the ordinance is introduced.
- 10 ~~(e)~~ (d) An ordinance adopted under subsection (a)(1) or ~~(b)~~ (c) must
- 11 include the approval of an agreement governing the operation of the
- 12 joint district.
- 13 ~~(d)~~ (e) If a county fails to comply with this section, the
- 14 commissioner shall designate the county as a solid waste management
- 15 district. **This subsection expires July 1, 2017.**
- 16 (f) **After June 30, 2017, a county may do the following:**
- 17 (1) **Dissolve the county solid waste management district of the**
- 18 **county through:**
- 19 (A) **the adoption by the county executive of an ordinance**
- 20 **in favor of the dissolution of the district; and**
- 21 (B) **the action of the county legislative body according to**
- 22 **the procedure set forth in IC 36-1-8-17.7, including the**
- 23 **adoption of:**
- 24 (i) **a plan concerning the dissolution of the district**
- 25 **including the contents required by IC 36-1-8-17.7(5); and**
- 26 (ii) **an ordinance dissolving the district.**
- 27 (2) **Withdraw from the joint solid waste management district**
- 28 **to which the county belongs through the action of the county**
- 29 **executive in:**
- 30 (A) **following the procedure set forth in IC 13-21-4;**
- 31 (B) **adopting a plan as described in subsection (g); and**
- 32 (C) **adopting an ordinance exercising the right of the**
- 33 **county under this section:**
- 34 (i) **not to be designated as a county solid waste**
- 35 **management district; or**
- 36 (ii) **not to be a member of another joint solid waste**
- 37 **management district.**
- 38 (g) **The plan adopted by a county executive under subsection**
- 39 **(f)(2) must provide for:**
- 40 (1) **the satisfaction of the share of the legal obligations of the**
- 41 **joint solid waste management district for which the county is**
- 42 **responsible under IC 13-21-4-4; and**



- 1 **(2) the disposition of the assets of the joint solid waste**
 2 **management district that are apportioned to the county under**
 3 **IC 13-21-4-4.**
 4 SECTION 2. IC 13-21-3-12, AS AMENDED BY P.L.83-2015,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this
 7 chapter and subject to subsection (b), the powers of a district include
 8 the following:
 9 (1) The power to develop and implement a district solid waste
 10 management plan under IC 13-21-5.
 11 (2) The power to impose district fees on the final disposal of solid
 12 waste within the district under IC 13-21-13.
 13 (3) The power to receive and disburse money, if the primary
 14 purpose of activities undertaken under this subdivision is to carry
 15 out the provisions of this article.
 16 (4) The power to sue and be sued.
 17 (5) The power to plan, design, construct, finance, manage, own,
 18 lease, operate, and maintain facilities for solid waste
 19 management.
 20 (6) The power to enter with any person into a contract or an
 21 agreement that is necessary or incidental to the management of
 22 solid waste. Contracts or agreements that may be entered into
 23 under this subdivision include those for the following:
 24 (A) The design, construction, operation, financing, ownership,
 25 or maintenance of facilities by the district or any other person.
 26 (B) The managing or disposal of solid waste.
 27 (C) The sale or other disposition of materials or products
 28 generated by a facility.
 29 Notwithstanding any other statute, the maximum term of a
 30 contract or an agreement described in this subdivision may not
 31 exceed forty (40) years.
 32 (7) The power to enter into agreements for the leasing of facilities
 33 in accordance with IC 36-1-10 or IC 36-9-30.
 34 (8) The power to purchase, lease, or otherwise acquire real or
 35 personal property for the management or disposal of solid waste.
 36 (9) The power to sell or lease any facility or part of a facility to
 37 any person.
 38 (10) The power to make and contract for plans, surveys, studies,
 39 and investigations necessary for the management or disposal of
 40 solid waste.
 41 (11) The power to enter upon property to make surveys,
 42 soundings, borings, and examinations.



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



- 1 discontinue the self-insurance fund.
- 2 (D) Apply for a household hazardous waste project grant as
- 3 described in IC 13-20-22-2 and carry out all commitments
- 4 contained in a grant application.
- 5 (19) The power to enter into an interlocal cooperation agreement
- 6 under IC 36-1-7 to obtain:
- 7 (A) fiscal;
- 8 (B) administrative;
- 9 (C) managerial; or
- 10 (D) operational;
- 11 services from a county or municipality.
- 12 (20) The power to compensate advisory committee members for
- 13 attending meetings at a rate determined by the board.
- 14 (21) The power to reimburse board and advisory committee
- 15 members for travel and related expenses at a rate determined by
- 16 the board.
- 17 (22) The power to pay a fee from district money to:
- 18 (A) in a joint district, the county or counties in which a final
- 19 disposal facility is located; or
- 20 (B) a county that:
- 21 (i) was part of a joint district;
- 22 (ii) has withdrawn from the joint district as of January 1,
- 23 2008; and
- 24 (iii) has established its own district in which a final disposal
- 25 facility is located.
- 26 (23) The power to make grants or loans of:
- 27 (A) money;
- 28 (B) property; or
- 29 (C) services;
- 30 to public or private recycling programs, composting programs, or
- 31 any other programs that reuse any component of the waste stream
- 32 as a material component of another product, if the primary
- 33 purpose of activities undertaken under this subdivision is to carry
- 34 out the provisions of this article.
- 35 (24) The power to establish by resolution a nonreverting capital
- 36 fund. A district's board may appropriate money in the fund for:
- 37 (A) equipping;
- 38 (B) expanding;
- 39 (C) modifying; or
- 40 (D) remodeling;
- 41 an existing facility. Expenditures from a capital fund established
- 42 under this subdivision must further the goals and objectives



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

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

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

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

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

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

20 (i) mercury commodities; and

21 (ii) mercury-added products; and

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

23 (i) mercury commodities; and

24 (ii) mercury-added products.

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

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

29 (A) reuse and recycling of electronic waste;

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

32 (C) proper disposal of electronic waste.

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

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

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

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

42 (4) borrow in anticipation of taxes;



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

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

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

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

11 subject to subsection (d).

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

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

22 SECTION 3. IC 36-1-3-8, AS AMENDED BY P.L.13-2013,
 23 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Subject to subsection (b), a
 25 unit does not have the following:

26 (1) The power to condition or limit its civil liability, except as
 27 expressly granted by statute.

28 (2) The power to prescribe the law governing civil actions
 29 between private persons.

30 (3) The power to impose duties on another political subdivision,
 31 except as expressly granted by statute.

32 (4) The power to impose a tax, except as expressly granted by
 33 statute.

34 (5) The power to impose a license fee greater than that reasonably
 35 related to the administrative cost of exercising a regulatory power.

36 (6) The power to impose a service charge or user fee greater than
 37 that reasonably related to reasonable and just rates and charges
 38 for services.

39 (7) The power to regulate conduct that is regulated by a state
 40 agency, except as expressly granted by statute.

41 (8) The power to prescribe a penalty for conduct constituting a
 42 crime or infraction under statute.



- 1 (9) The power to prescribe a penalty of imprisonment for an
 2 ordinance violation.
- 3 (10) The power to prescribe a penalty of a fine as follows:
 4 (A) More than ten thousand dollars (\$10,000) for the violation
 5 of an ordinance or a regulation concerning air emissions
 6 adopted by a county that has received approval to establish an
 7 air permit program under IC 13-17-12-6.
 8 (B) For a violation of any other ordinance:
 9 (i) more than two thousand five hundred dollars (\$2,500) for
 10 a first violation of the ordinance; and
 11 (ii) except as provided in subsection (c), more than seven
 12 thousand five hundred dollars (\$7,500) for a second or
 13 subsequent violation of the ordinance.
- 14 (11) The power to invest money, except as expressly granted by
 15 statute.
- 16 (12) The power to order or conduct an election, except as
 17 expressly granted by statute.
- 18 **(13) The power to dissolve a political subdivision, except:**
 19 **(A) as expressly granted by statute; or**
 20 **(B) if IC 36-1-8-17.7 applies to the political subdivision, in**
 21 **accordance with the procedure set forth in IC 36-1-8-17.7.**
- 22 (b) A township does not have the following, except as expressly
 23 granted by statute:
 24 (1) The power to require a license or impose a license fee.
 25 (2) The power to impose a service charge or user fee.
 26 (3) The power to prescribe a penalty.
- 27 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
 28 ordinance that regulates traffic or parking.
- 29 SECTION 4. IC 36-1-8-17.7 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2016]: **Sec. 17.7. (a) This section applies to a political subdivision:**
 32 **(1) that was established by another political subdivision; and**
 33 **(2) for which there is no process or procedure expressly**
 34 **specified by law regarding the dissolution of the political**
 35 **subdivision.**
- 36 **(b) A political subdivision described in subsection (a) may be**
 37 **dissolved according to the following:**
 38 **(1) The political subdivision described in subsection (a) may**
 39 **be dissolved as provided in this section only by the political**
 40 **subdivision that established the political subdivision described**
 41 **in subsection (a).**
 42 **(2) The legislative body of the political subdivision that**



1 established the political subdivision described in subsection
2 (a) must adopt a preliminary resolution stating the intent of
3 the legislative body to dissolve the political subdivision
4 described in subsection (a).

5 (3) The legislative body that established the political
6 subdivision described in subsection (a) must hold a separate
7 public meeting regarding the proposed dissolution of the
8 political subdivision described in subsection (a). Notice of the
9 meeting shall be given in accordance with IC 5-3-1. The
10 legislative body must hold the public meeting:

11 (A) except as provided in clause (B), at least ninety (90)
12 days after adopting the preliminary resolution under
13 subdivision (2); or

14 (B) at least one hundred eighty (180) days after adopting
15 the preliminary resolution under subdivision (2), in the
16 case of the proposed dissolution of a political subdivision
17 described in subsection (a) that has been in existence for at
18 least ten (10) years.

19 (4) At least ten (10) days before the public meeting under
20 subdivision (3), the legislative body that established the
21 political subdivision described in subsection (a) must make
22 available to the public a plan regarding the proposed
23 dissolution. If the legislative body maintains an Internet web
24 site or an Internet web site is maintained on behalf of the
25 legislative body, a copy of the plan must be posted on the
26 Internet web site at least ten (10) days before the public
27 meeting under subdivision (3).

28 (5) The plan regarding the proposed dissolution must specify
29 the following:

30 (A) The effective date of the dissolution.

31 (B) A description of the assets and obligations of the
32 political subdivision described in subsection (a) and a
33 proposal regarding the distribution of those assets and the
34 satisfaction of those obligations.

35 (C) A description of the services currently provided by the
36 political subdivision described in subsection (a) and (if
37 applicable) an explanation of how and if those services will
38 be provided after the dissolution of the political subdivision
39 described in subsection (a).

40 (6) At the public meeting under subdivision (3), the legislative
41 body shall allow the public an opportunity to testify and
42 comment upon the proposed dissolution.



1 **(7) At the public meeting under subdivision (3), the legislative**
2 **body may adopt an ordinance (in the case of the legislative**
3 **body of a county or municipality) or a resolution (in the case**
4 **of the legislative body of any other political subdivision)**
5 **dissolving the political subdivision described in subsection (a)**
6 **as provided in the plan described in subdivision (5).**



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 366, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 366 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 6, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 366 be amended to read as follows:

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. 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,

SB 366—LS 6920/DI 55



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) 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, 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 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. **recommend the adoption of ordinances to the county legislative body.**

(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:

- (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).".

Renumber all SECTIONS consecutively.

(Reference is to SB 366 as printed January 26, 2016.)

BROWN L

SENATE MOTION

Madam President: I move that Senate Bill 366 be amended to read as follows:

Page 2, delete lines 16 through 29, begin a new paragraph and insert:

"(f) After June 30, 2017, a county may do the following:

(1) Dissolve the county solid waste management district of the county through:

(A) the adoption by the county executive of an ordinance in favor of the dissolution of the district; and

(B) the action of the county legislative body according to the procedure set forth in IC 36-1-8-17.7, including the adoption of:

(i) a plan concerning the dissolution of the district including the contents required by IC 36-1-8-17.7(5); and

(ii) an ordinance dissolving the district.

(2) Withdraw from the joint solid waste management district to which the county belongs through the action of the county executive in:

(A) following the procedure set forth in IC 13-21-4;

(B) adopting a plan as described in subsection (g); and

(C) adopting an ordinance exercising the right of the county under this section:

(i) not to be designated as a county solid waste management district; or

(ii) not to be a member of another joint solid waste management district.

(g) The plan adopted by a county executive under subsection (f)(2) must provide for:

(1) the satisfaction of the share of the legal obligations of the joint solid waste management district for which the county is responsible under IC 13-21-4-4; and



(2) the disposition of the assets of the joint solid waste management district that are apportioned to the county under IC 13-21-4-4.

SECTION 2. IC 36-1-3-8, AS AMENDED BY P.L.13-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

- (1) The power to condition or limit its civil liability, except as expressly granted by statute.
- (2) The power to prescribe the law governing civil actions between private persons.
- (3) The power to impose duties on another political subdivision, except as expressly granted by statute.
- (4) The power to impose a tax, except as expressly granted by statute.
- (5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.
- (6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.
- (7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.
- (8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.
- (9) The power to prescribe a penalty of imprisonment for an ordinance violation.
- (10) The power to prescribe a penalty of a fine as follows:
 - (A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.
 - (B) For a violation of any other ordinance:
 - (i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and
 - (ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.
- (11) The power to invest money, except as expressly granted by statute.
- (12) The power to order or conduct an election, except as expressly granted by statute.
- (13) The power to dissolve a political subdivision, except:**



- (A) as expressly granted by statute; or**
- (B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.**

(b) A township does not have the following, except as expressly granted by statute:

- (1) The power to require a license or impose a license fee.
- (2) The power to impose a service charge or user fee.
- (3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 3. IC 36-1-8-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17.7. (a) This section applies to a political subdivision:**

- (1) that was established by another political subdivision; and**
- (2) for which there is no process or procedure expressly specified by law regarding the dissolution of the political subdivision.**

(b) A political subdivision described in subsection (a) may be dissolved according to the following:

- (1) The political subdivision described in subsection (a) may be dissolved as provided in this section only by the political subdivision that established the political subdivision described in subsection (a).**
- (2) The legislative body of the political subdivision that established the political subdivision described in subsection (a) must adopt a preliminary resolution stating the intent of the legislative body to dissolve the political subdivision described in subsection (a).**
- (3) The legislative body that established the political subdivision described in subsection (a) must hold a separate public meeting regarding the proposed dissolution of the political subdivision described in subsection (a). Notice of the meeting shall be given in accordance with IC 5-3-1. The legislative body must hold the public meeting:**

(A) except as provided in clause (B), at least ninety (90) days after adopting the preliminary resolution under subdivision (2); or

(B) at least one hundred eighty (180) days after adopting the preliminary resolution under subdivision (2), in the case of the proposed dissolution of a political subdivision described in subsection (a) that has been in existence for at least ten (10) years.



(4) At least ten (10) days before the public meeting under subdivision (3), the legislative body that established the political subdivision described in subsection (a) must make available to the public a plan regarding the proposed dissolution. If the legislative body maintains an Internet web site or an Internet web site is maintained on behalf of the legislative body, a copy of the plan must be posted on the Internet web site at least ten (10) days before the public meeting under subdivision (3).

(5) The plan regarding the proposed dissolution must specify the following:

(A) The effective date of the dissolution.

(B) A description of the assets and obligations of the political subdivision described in subsection (a) and a proposal regarding the distribution of those assets and the satisfaction of those obligations.

(C) A description of the services currently provided by the political subdivision described in subsection (a) and (if applicable) an explanation of how and if those services will be provided after the dissolution of the political subdivision described in subsection (a).

(6) At the public meeting under subdivision (3), the legislative body shall allow the public an opportunity to testify and comment upon the proposed dissolution.

(7) At the public meeting under subdivision (3), the legislative body may adopt an ordinance (in the case of the legislative body of a county or municipality) or a resolution (in the case of the legislative body of any other political subdivision) dissolving the political subdivision described in subsection (a) as provided in the plan described in subdivision (5)."

(Reference is to SB 366 as printed January 26, 2016.)

TALLIAN

