

SENATE BILL No. 465

DIGEST OF INTRODUCED BILL

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

Synopsis: Solid waste management district taxing power. Authorizes the legislative body of a county to do one, but not both, of the following: (1) Adopt an ordinance specifying that a solid waste management district (district) may not levy within the county a property tax that is first due and payable in 2018 or 2019. (2) Adopt an ordinance specifying that a district may not levy within the county a property tax that is first due and payable in 2019. Provides that no solid waste management districts may levy a property tax that is first due and payable after 2019, other than a property tax for preexisting debt. Specifies that the county fiscal body may 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 May 15, 2017, 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, 2017.

Brown L

January 12, 2017, read first time and referred to Committee on Environmental Affairs.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 465

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, 2017]: 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



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 2018 and 2019. 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 2018 or 2019. The**
40 **county fiscal body may at its discretion adopt an ordinance to**
41 **provide funding for the budget year to the solid waste**
42 **management district. This subdivision expires January 1,**



- 1 **2020.**
- 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 2019. 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 2019. 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, 2020.**
- 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, 2019. 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, 2017]: 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, 2020);**
 4 (9) IC 13-21-3-15 **(for property taxes first due and payable**
 5 **before January 1, 2020);**
 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.189-2016,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2017]: 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, 2020)**, 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)**, taxes.
- 10 (B) **Revenue to be received from sources other than taxes.**
- 11 (15) The power to hire the personnel necessary for the
- 12 management or disposal of solid waste in accordance with an
- 13 approved budget and to contract for professional services.
- 14 (16) The power to otherwise do all things necessary for the:
- 15 (A) reduction, management, and disposal of solid waste; and
- 16 (B) recovery of waste products from the solid waste stream;
- 17 if the primary purpose of activities undertaken under this
- 18 subdivision is to carry out the provisions of this article.
- 19 (17) The power to adopt resolutions. However, a resolution is not
- 20 effective in a municipality unless the municipality adopts the
- 21 language of the resolution by ordinance or resolution. **The power**
- 22 **of a district to adopt a resolution under this subdivision is**
- 23 **subject to subsection (e) and IC 13-21-14-0.5.**
- 24 (18) The power to do the following:
- 25 (A) Implement a household hazardous waste and conditionally
- 26 exempt small quantity generator (as described in 40 CFR
- 27 261.5(a)) collection and disposal project.
- 28 (B) Apply for a household hazardous waste collection and
- 29 disposal project grant under IC 13-20-20 and carry out all
- 30 commitments contained in a grant application.
- 31 (C) Establish and maintain a program of self-insurance for a
- 32 household hazardous waste and conditionally exempt small
- 33 quantity generator (as described in 40 CFR 261.5(a))
- 34 collection and disposal project, so that at the end of the
- 35 district's fiscal year the unused and unencumbered balance of
- 36 appropriated money reverts to the district's general fund only
- 37 if the district's board specifically provides by resolution to
- 38 discontinue the self-insurance fund.
- 39 (D) Apply for a household hazardous waste project grant as
- 40 described in IC 13-20-22-2 and carry out all commitments
- 41 contained in a grant application.
- 42 (19) The power to enter into an interlocal cooperation agreement



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



1 by resolution that a part of a capital fund will not be needed to
 2 further the goals and objectives contained in the district's solid
 3 waste management plan, that part of the capital fund may be
 4 transferred to the district's general fund, to be used to offset
 5 tipping fees, property tax revenues, or both tipping fees and
 6 property tax revenues.

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

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

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

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

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

15 (i) mercury commodities; and

16 (ii) mercury-added products; and

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

18 (i) mercury commodities; and

19 (ii) mercury-added products.

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

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

24 (A) reuse and recycling of electronic waste;

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

27 (C) proper disposal of electronic waste.

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

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

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

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

37 (4) borrow in anticipation of taxes;

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

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



- 1 (1) confirming the authority of the county district to exercise the
- 2 power or powers referred to in subsection (b), as proposed in the
- 3 recommendation; or
- 4 (2) denying the county district the authority to exercise the power
- 5 or powers as proposed in the recommendation;
- 6 subject to subsection (d).

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

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

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

18 **(1) Except as provided in IC 13-21-7-1(g) concerning**
 19 **outstanding bonds and other debt obligations, levy a property**
 20 **tax that is first due and payable in 2018 or 2019 in a county**
 21 **for which the county legislative body has adopted an**
 22 **ordinance under IC 13-21-16-1(1) to opt out of solid waste**
 23 **management district property taxation in 2018 and 2019.**

24 **(2) Except as provided in IC 13-21-7-1(g) concerning**
 25 **outstanding bonds and other debt obligations, levy a property**
 26 **tax that is first due and payable in 2019 in a county for which**
 27 **the county legislative body has adopted an ordinance under**
 28 **IC 13-21-16-1(2) to opt out of solid waste management district**
 29 **property taxation in 2019.**

30 **(3) Except as provided in IC 13-21-7-1(d) concerning**
 31 **outstanding bonds, levy a property tax that is first due and**
 32 **payable after December 31, 2019.**

33 SECTION 4. IC 13-21-3-15, AS AMENDED BY P.L.119-2012,
 34 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) A district located in a county
 36 having a population of more than thirty-three thousand five hundred
 37 (33,500) but less than thirty-four thousand (34,000) may appeal to the
 38 department of local government finance to have a property tax rate in
 39 excess of the rate permitted by section 12 of this chapter. The appeal
 40 may be granted if the district establishes that all of the following
 41 conditions exist:

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



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

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

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

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

14 **(e) This section expires January 1, 2020.**

15 SECTION 5. IC 13-21-3-15.5, AS AMENDED BY P.L.146-2008,
 16 SECTION 423, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2017]: Sec. 15.5. (a) A district may appeal to
 18 the department of local government finance to have a property tax rate
 19 in excess of the rate permitted by section 12 of this chapter. The appeal
 20 may be granted if the district with respect to 2001 property taxes
 21 payable in 2002:

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

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

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

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

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

35 **(e) This section expires January 1, 2020.**

36 SECTION 6. IC 13-21-3-16, AS AMENDED BY P.L.189-2005,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 16. (a) The requirements of this section:

39 (1) are in addition to the requirements set forth in
 40 IC 6-1.1-18.5-7(b); and

41 (2) do not apply to a district that:

42 (A) owns a landfill;



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



1 a resolution approving the bond issue.

2 SECTION 7. IC 13-21-7-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) A special taxing
4 district is established in each solid waste management district
5 established under IC 13-21-3 or IC 13-9.5-2 (before its repeal) for the
6 purpose of providing persons within the district with solid waste
7 management service.

8 (b) The special taxing district is coterminous with the territory of the
9 district.

10 (c) **Except as provided in subsection (d), a solid waste**
11 **management district may not levy a property tax that is first due**
12 **and payable after December 31, 2019.**

13 (d) **A solid waste management district may levy a property tax**
14 **that is first due and payable after December 31, 2019, for the**
15 **purpose of paying bonds described in section 9(b) of this chapter.**

16 (e) **Except as provided in subsection (g), if the legislative body**
17 **of a county has adopted an ordinance under IC 13-21-16-1(1) to opt**
18 **out of solid waste management district property taxation in 2018**
19 **and 2019, a solid waste management district may not levy within**
20 **the county a property tax that is due and payable in 2018 or 2019.**

21 (f) **Except as provided in subsection (g), if the legislative body of**
22 **a county has adopted an ordinance under IC 13-21-16-1(2) to opt**
23 **out of solid waste management district property taxation in 2019,**
24 **a solid waste management district may not levy within the county**
25 **a property tax that is due and payable in 2019.**

26 (g) **If a solid waste management district has outstanding bonds**
27 **or other debt obligations payable from property taxes imposed by**
28 **the district at the time the county legislative body adopts the**
29 **ordinance under IC 13-21-16-1(1) to opt out of solid waste**
30 **management district property taxation in 2018 and 2019 or under**
31 **IC 13-21-16-1(2) to opt out of solid waste management district**
32 **property taxation in 2019, the district shall continue to impose**
33 **within the county the debt service tax levy necessary to pay the**
34 **principal and interest on the outstanding bonds or other debt**
35 **obligations.**

36 SECTION 8. IC 13-21-7-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board
38 may, **before May 15, 2017**, issue waste management district bonds
39 under this chapter for the payment of the cost of the facility. Before
40 authorizing the waste management district bonds, the board may:

41 (1) accept public bids for the facility; or

42 (2) adopt a resolution approving a request for proposals under



1 IC 13-21-6.

2 (b) **Except as provided in subsection (c) and subject to**
 3 **subsection (d), a board may not issue bonds under this chapter**
 4 **after May 14, 2017.**

5 (c) **Subject to subsection (d), bonds issued under this chapter**
 6 **before May 15, 2017, may be refunded as provided in**
 7 **IC 13-21-10-1 if the maturity date of the refunding bonds is not**
 8 **later than the maturity date of the bonds issued under this chapter**
 9 **that are to be refunded.**

10 (d) **Effective May 15, 2017, the authority of a district to:**

11 (1) **issue bonds under this chapter for the payment of the cost**
 12 **of a facility; or**

13 (2) **issue bonds as provided in IC 13-21-10-1;**

14 **is transferred to the fiscal body of the county or counties that are**
 15 **members of the district.**

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

23 (1) The principal of the waste management district bonds as the
 24 bonds severally mature.

25 (2) All accruing interest on the bonds.

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

28 (1) **waste management district bonds issued before May 15,**
 29 **2017, under this chapter or IC 13-9.5-9-3 (before its repeal);**
 30 **or**

31 (2) **subject to section 2(c) of this chapter, bonds issued as**
 32 **provided in IC 13-21-10-1 to refund waste management**
 33 **district bonds described in subdivision (1).**

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

36 SECTION 10. IC 13-21-7-10 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **The tax**
 38 **levied each year to pay bonds issued by a county after May 14, 2017,**
 39 **or bonds described in section 9(b) of this chapter shall be certified**
 40 **to the following:**

41 (1) **The controller of the district.**

42 (2) **The county auditor of each county within the district.**



- 1 (b) The:
- 2 (1) county auditor shall estimate and enter the tax levied and
- 3 certified upon the tax duplicate; and
- 4 (2) county treasurer shall collect and enforce the tax;
- 5 in the same manner as county taxes are estimated, entered, collected,
- 6 and enforced.
- 7 (c) As the county treasurer collects the tax, the tax shall be:
- 8 (1) transferred to the controller of the district;
- 9 (2) kept in a separate fund to be known as the waste management
- 10 district bond fund; and
- 11 (3) applied to the payment of the principal of and interest on the
- 12 waste management district bonds as the bonds become due and to
- 13 no other purpose, except as provided in IC 5-1-13 and IC 5-1-14.
- 14 SECTION 11. IC 13-21-7-11 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In fixing the
- 16 amount of the necessary levy **to pay bonds issued by a county after**
- 17 **May 14, 2017, or bonds described in section 9(b) of this chapter**, the
- 18 board shall consider:
- 19 (1) the amount of net revenues, if any, to be derived from the
- 20 collection of fees under this article; or
- 21 (2) any other net revenues collected under the following:
- 22 (A) IC 13-21-3-13.
- 23 (B) This chapter.
- 24 (C) IC 13-21-8 through IC 13-21-12.
- 25 (D) IC 13-21-14.
- 26 (b) Instead of making the levy or to reduce the amount of the levy,
- 27 the board shall annually set aside by resolution the amount of the net
- 28 revenues to be collected before maturity of the principal and interest of
- 29 the waste management district bonds payable in the following year.
- 30 (c) If the board adopts this resolution under subsection (b), the
- 31 board may not use any part of the amount set aside out of the net
- 32 revenues for any purpose other than the payment of waste management
- 33 district bonds and the interest on the bonds. A proportionate payment
- 34 of this amount shall be made monthly to the fund.
- 35 SECTION 12. IC 13-21-14-0.5 IS ADDED TO THE INDIANA
- 36 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 37 **[EFFECTIVE JULY 1, 2017]: Sec. 0.5. A board may not impose a fee**
- 38 **under this chapter that:**
- 39 **(1) is a flat charge for each residence or building in use in the**
- 40 **county or is otherwise imposed on a uniform basis on all**
- 41 **residents or property owners; and**
- 42 **(2) is first due and payable after:**



- 1 **(A) December 31, 2017, in a county for which the county**
 2 **legislative body has adopted an ordinance under**
 3 **IC 13-21-16-1(1) to opt out of solid waste management**
 4 **district property taxation in 2018 and 2019;**
 5 **(B) December 31, 2018, in a county for which the county**
 6 **legislative body has adopted an ordinance under**
 7 **IC 13-21-16-1(2) to opt out of solid waste management**
 8 **district property taxation in 2019; or**
 9 **(C) December 31, 2019, in a county not described in clause**
 10 **(A) or (B).**

11 SECTION 13. IC 13-21-14-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The board may fix
 13 the solid waste management fees on the basis of the following:

- 14 (1) A flat charge for each residence or building in use in the waste
 15 management district, **before:**
 16 **(A) December 31, 2017, in a county for which the county**
 17 **legislative body has adopted an ordinance under**
 18 **IC 13-21-16-1(1) to opt out of solid waste management**
 19 **district property taxation in 2017 and 2018;**
 20 **(B) December 31, 2018, in a county for which the county**
 21 **legislative body has adopted an ordinance under**
 22 **IC 13-21-16-1(2) to opt out of solid waste management**
 23 **district property taxation in 2018; or**
 24 **(C) December 31, 2019, in a county not described in clause**
 25 **(A) or (B).**
 26 (2) The weight or volume of the refuse received.
 27 (3) The average number of containers or bags of refuse received.
 28 (4) The relative difficulty associated with the collection or
 29 management of the solid waste received.
 30 (5) Any other criteria that the board determines to be logically
 31 related to the service.
 32 (6) Any combination of these criteria.

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

36 **Chapter 16. County Option Concerning District Property Tax**
 37 **Levies in 2018 and 2019**

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

- 40 **(1) Adopt an ordinance before August 1, 2017, specifying that,**
 41 **except as provided in IC 13-21-7-1(g) concerning outstanding**
 42 **bonds and other debt obligations, a district may not levy**



1 within the county a property tax that is first due and payable
2 in 2018 or 2019.

3 (2) Adopt an ordinance before August 1, 2018, specifying that,
4 except as provided in IC 13-21-7-1(g) concerning outstanding
5 bonds and other debt obligations, a district may not levy
6 within the county a property tax that is first due and payable
7 in 2019.

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

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

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

24 (2) a fraction equal to:

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

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

31 Sec. 4. This chapter expires July 1, 2020.

32 SECTION 15. IC 36-2-21 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2017]:

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

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

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

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

42 (1) January 1, 2018, in the case of a county for which the



1 county legislative body has adopted an ordinance under
 2 IC 13-21-16-1(1) to opt out of solid waste management district
 3 property taxation in 2018 and 2019.

4 (2) January 1, 2019, in the case of a county for which the
 5 county legislative body has adopted an ordinance under
 6 IC 13-21-16-1(2) to opt out of solid waste management district
 7 property taxation in 2019.

8 (3) January 1, 2020, in the case of a county that:

9 (A) did not adopt an ordinance IC 13-21-16-1(1) to opt out
 10 of solid waste management district property taxation in
 11 2018 and 2019 or an ordinance under IC 13-21-16-1(2) to
 12 opt out of solid waste management district property
 13 taxation in 2019; and

14 (B) is:

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

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

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

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

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

26 (A) residents; and

27 (B) property owners;

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

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

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

42 (b) After the introduction of an ordinance fixing fees and before



1 the ordinance is adopted, public notice of the hearing, setting forth
 2 the schedule of fees, shall be given. The hearing may be adjourned
 3 as necessary.

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

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

- 8 (1) on file in the office of the county executive; and
 9 (2) open to inspection by all interested persons.

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

12 Sec. 5. An action to contest:

13 (1) the validity of the fees adopted; or
 14 (2) the procedure by which the fees were adopted;
 15 must be brought within thirty (30) days following the adoption of
 16 the fees under section 4 of this chapter.

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

19 (1) To pay any of the following, at the discretion of the county
 20 fiscal body and after appropriation by 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) To be transferred to the district in which the county is
 30 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.**

