

# SENATE BILL No. 366

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-21.

**Synopsis:** Solid waste management districts. Eliminates the power of a solid waste management district to adopt resolutions that have the force of law and instead allows a district to recommend the adoption of ordinances to the county legislative body. Authorizes the county executive of a county that is a single county solid waste management district to adopt an ordinance dissolving the district and providing for the winding up of the affairs of the district. Authorizes the county executive of a county that is a member of a multicounty joint solid waste management district, after withdrawing from the joint district under the provisions of current law, to adopt an ordinance determining that the county will no longer be a member of a joint district or be designated as a single county district. Makes the following provisions concerning the settling of the affairs of a solid waste management district that is to be dissolved: (1) Legal obligations of the district (including bond and loan obligations, contractual liabilities, and civil liabilities) shall be satisfied from assets of the district and if necessary from a tax levy. (2) Assets of the district shall be used to satisfy the legal obligations of the district. (3) Any assets not needed to satisfy the district's legal obligations shall be transferred to the political subdivisions of the county according to a plan adopted by the county executive and become the assets of the political subdivisions to which they are transferred. (4) If the district imposed a property tax levy, the board of the district shall, by resolution, decide whether the maximum property tax levies of political subdivisions in the county shall be adjusted after the dissolution of the district so as to redistribute the tax levy of the district to the other political subdivisions. (5) If the  
(Continued next page)

**Effective:** July 1, 2016.

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## Brown L

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January 11, 2016, read first time and referred to Committee on Environmental Affairs.

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Digest Continued

district adopted a resolution that had the force and effect of law, the county executive shall, by ordinance, nullify the resolution or adopt the substance of the resolution as an ordinance of the county. (6) If the district imposed a district fee on the disposal of solid waste in a final disposal facility or a district solid waste management fee, unexpended revenue of the fee shall be transferred to the political subdivisions within the county according to the county executive's plan, and the board of the district shall, by resolution, decide whether the collection of the fee should continue.



Introduced

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

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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~~ **subsections (b) and (d)**, each county shall, by  
4 ordinance of the 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 (b) Notwithstanding subsection (a)(1), if a county withdraws from  
10 a joint solid waste management district under IC 13-21-4, the county  
11 executive of the county may adopt an ordinance:  
12 (1) **under IC 13-21-4-6(a)(1)** to join another or establish another  
13 joint solid waste management district with one (1) or more other  
14 counties:  
15 (†) **(A)** not earlier than fifteen (15) days; or



1           ~~(2)~~ **(B)** not later than forty-five (45) days;  
 2           after the date the ordinance is introduced; **or**  
 3           **(2) under IC 13-21-4-6(a)(2) and IC 13-21-15-2 providing that**  
 4           **the county will no longer:**

5           **(A) be designated as a county solid waste management**  
 6           **district; or**

7           **(B) be a member of a joint solid waste management**  
 8           **district.**

9           (c) An ordinance adopted under subsection (a)(1) or ~~(b)~~ **(b)(1)** must  
 10          include the approval of an agreement governing the operation of the  
 11          joint district.

12          (d) ~~If a county fails to comply with this section, the commissioner~~  
 13          ~~shall designate the county as a solid waste management district.~~

14          **(1) the single county district of a county has been dissolved**  
 15          **under IC 13-21-15-1; or**

16          **(2) a county has withdrawn from a joint district and the**  
 17          **county executive adopts an ordinance described in subsection**  
 18          **(b)(2) determining that the county will no longer:**

19          **(A) be a member of a joint solid waste management**  
 20          **district; or**

21          **(B) be designated as a county solid waste management**  
 22          **district;**

23          **the county is no longer subject to this article, except for**  
 24          **IC 13-21-15, and is not required to be a county district or a**  
 25          **member of a joint district.**

26          SECTION 2. IC 13-21-3-12, AS AMENDED BY P.L.83-2015,  
 27          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28          JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this  
 29          chapter and subject to subsection (b), the powers of a district include  
 30          the following:

31          (1) The power to develop and implement a district solid waste  
 32          management plan under IC 13-21-5.

33          (2) The power to impose district fees on the final disposal of solid  
 34          waste within the district under IC 13-21-13.

35          (3) The power to receive and disburse money, if the primary  
 36          purpose of activities undertaken under this subdivision is to carry  
 37          out the provisions of this article.

38          (4) The power to sue and be sued.

39          (5) The power to plan, design, construct, finance, manage, own,  
 40          lease, operate, and maintain facilities for solid waste  
 41          management.

42          (6) The power to enter with any person into a contract or an



1 agreement that is necessary or incidental to the management of  
 2 solid waste. Contracts or agreements that may be entered into  
 3 under this subdivision include those for the following:

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

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

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

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

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

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

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

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

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

23 (12) The power to:

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

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

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

30 (A) Regular budget and tax levy procedures.

31 (B) Section 16 of this chapter.

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

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

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

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

42 (A) reduction, management, and disposal of solid waste; and



1 (B) recovery of waste products from the solid waste stream;  
 2 if the primary purpose of activities undertaken under this  
 3 subdivision is to carry out the provisions of this article.

4 (17) The power to ~~adopt resolutions that have the force of law;~~  
 5 **recommend the adoption of ordinances to the county**  
 6 **legislative body.** ~~However, a resolution is not effective in a~~  
 7 ~~municipality unless the municipality adopts the language of the~~  
 8 ~~resolution by ordinance or resolution.~~

9 (18) The power to do the following:

10 (A) Implement a household hazardous waste and conditionally  
 11 exempt small quantity generator (as described in 40 CFR  
 12 261.5(a)) collection and disposal project.

13 (B) Apply for a household hazardous waste collection and  
 14 disposal project grant under IC 13-20-20 and carry out all  
 15 commitments contained in a grant application.

16 (C) Establish and maintain a program of self-insurance for a  
 17 household hazardous waste and conditionally exempt small  
 18 quantity generator (as described in 40 CFR 261.5(a))  
 19 collection and disposal project, so that at the end of the  
 20 district's fiscal year the unused and unencumbered balance of  
 21 appropriated money reverts to the district's general fund only  
 22 if the district's board specifically provides by resolution to  
 23 discontinue the self-insurance fund.

24 (D) Apply for a household hazardous waste project grant as  
 25 described in IC 13-20-22-2 and carry out all commitments  
 26 contained in a grant application.

27 (19) The power to enter into an interlocal cooperation agreement  
 28 under IC 36-1-7 to obtain:

- 29 (A) fiscal;  
 30 (B) administrative;  
 31 (C) managerial; or  
 32 (D) operational;

33 services from a county or municipality.

34 (20) The power to compensate advisory committee members for  
 35 attending meetings at a rate determined by the board.

36 (21) The power to reimburse board and advisory committee  
 37 members for travel and related expenses at a rate determined by  
 38 the board.

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

- 40 (A) in a joint district, the county or counties in which a final  
 41 disposal facility is located; or  
 42 (B) a county that:



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



- 1 (ii) mercury-added products; and  
 2 (B) collection programs available to the public for:  
 3 (i) mercury commodities; and  
 4 (ii) mercury-added products.  
 5 (27) The power to implement mercury collection programs under  
 6 IC 13-20-17.5 for the public and small businesses.  
 7 (28) The power to conduct educational programs under  
 8 IC 13-20.5 to provide information to the public concerning:  
 9 (A) reuse and recycling of electronic waste;  
 10 (B) collection programs available to the public for the disposal  
 11 of electronic waste; and  
 12 (C) proper disposal of electronic waste.  
 13 (b) Before the county district of a county that has a population of  
 14 more than four hundred thousand (400,000) but less than seven  
 15 hundred thousand (700,000) may exercise a power set forth in  
 16 subsection (a) to:  
 17 (1) enter into a contract or other agreement to construct a final  
 18 disposal facility;  
 19 (2) enter into an agreement for the leasing of a final disposal  
 20 facility;  
 21 (3) sell or lease a final disposal facility; or  
 22 (4) borrow in anticipation of taxes;  
 23 the county district must submit a recommendation to the county  
 24 executive of the county concerning the county district's proposed  
 25 exercise of the power, subject to subsections (c) and (d).  
 26 (c) In response to a recommendation submitted under subsection  
 27 (b), the county executive may adopt a resolution:  
 28 (1) confirming the authority of the county district to exercise the  
 29 power or powers referred to in subsection (b), as proposed in the  
 30 recommendation; or  
 31 (2) denying the county district the authority to exercise the power  
 32 or powers as proposed in the recommendation;  
 33 subject to subsection (d).  
 34 (d) The county district may exercise one (1) or more powers referred  
 35 to in subsection (b), as proposed in a recommendation submitted to the  
 36 county executive under subsection (b), if:  
 37 (1) the county executive, in response to the recommendation,  
 38 adopts a confirming resolution under subsection (c)(1)  
 39 authorizing the county district to exercise the power or powers; or  
 40 (2) the county executive adopts no resolution under subsection (c)  
 41 within forty-five (45) calendar days after the day on which the  
 42 county district submits the recommendation to the county





- 1 executive under subsection (b).  
 2 SECTION 3. IC 13-21-4-6 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a county  
 4 withdraws from a **joint district** or the county executives of a joint  
 5 district remove a county from a joint district, the county must **do one**  
 6 **(1) of the following:**  
 7 **(1) The county may, by ordinance of the county executive:**  
 8 ~~(1)~~ **(A)** designate itself as a new county district;  
 9 ~~(2)~~ **(B)** join one (1) or more other counties to form a new joint  
 10 district; or  
 11 ~~(3)~~ **(C)** join an existing joint district;  
 12 under the procedures set forth in IC 13-21-3.  
 13 **(2) The county may, by ordinance of the county executive**  
 14 **adopted under IC 13-21-15-2, determine that the county will**  
 15 **no longer:**  
 16 **(A) be a member of a joint solid waste management**  
 17 **district; or**  
 18 **(B) be designated as a county solid waste management**  
 19 **district.**  
 20 (b) If a county:  
 21 (1) designates itself as a new county district; or  
 22 (2) joins one (1) or more other counties to form a new joint  
 23 district;  
 24 the county district or new joint district shall submit a district plan to the  
 25 commissioner as provided under IC 13-21-5.  
 26 (c) If a county joins an existing joint district, the joint district shall  
 27 amend the joint district's district plan as provided under IC 13-21-5.  
 28 (d) If a county withdraws or is removed from a joint district that  
 29 consists of more than two (2) counties, the joint district shall amend the  
 30 joint district's district plan as provided under IC 13-21-5.  
 31 SECTION 4. IC 13-21-15 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2016]:  
 34 **Chapter 15. Dissolution of Districts**  
 35 **Sec. 1. (a) If a solid waste management district is a county**  
 36 **district consisting of only one (1) county, the county executive of**  
 37 **the county may adopt an ordinance dissolving the district and**  
 38 **providing for the winding up of the affairs of the district.**  
 39 **(b) The dissolution of a district through the adoption of an**  
 40 **ordinance under subsection (a) is effective on the date specified in**  
 41 **the ordinance. However, the dissolution may not occur earlier than**  
 42 **sixty (60) days after the date on which the ordinance is adopted.**



1 (c) Upon the dissolution of a district under this section:

2 (1) any legal obligations of the district that were incurred  
3 under this article before the district was dissolved, including  
4 bond obligations, loan obligations, other contractual  
5 liabilities, and civil liabilities, shall be satisfied from assets of  
6 the district as provided in subdivision (2) and, if necessary,  
7 from a tax levy imposed under section 6 of this chapter;

8 (2) any assets of the district, including all funds, contractual  
9 rights, facilities, and other property acquired under  
10 IC 13-21-3-12, that are necessary to satisfy the legal  
11 obligations described in subdivision (1) shall be used by the  
12 district for that purpose or transferred to the county  
13 executive to be used in the future for that purpose; and

14 (3) to the extent there are assets of the district that are not  
15 necessary to satisfy the legal obligations described in  
16 subdivision (1), those assets:

17 (A) shall be transferred to the political subdivisions within  
18 the county as provided in the plan adopted by the county  
19 executive under section 3(5) of this chapter; and

20 (B) after the transfers under clause (A) become the assets  
21 of the political subdivisions to which those assets are  
22 transferred.

23 (d) After a district is dissolved under this section, the county is  
24 no longer subject to this article, except for this chapter, and the  
25 county is not a county district or a member of a joint district.

26 Sec. 2. (a) If a county is a member of a joint solid waste  
27 management district and withdraws from the joint district under  
28 IC 13-21-4, the county executive of the county may adopt an  
29 ordinance determining that both of the following apply to the  
30 county:

31 (1) The county will no longer be a member of a joint solid  
32 waste management district.

33 (2) The county will not be designated as a county solid waste  
34 management district.

35 (b) If a county withdraws from a joint solid waste management  
36 district under IC 13-21-4 and adopts an ordinance under  
37 subsection (a):

38 (1) the county is responsible for its share of legal obligations  
39 (if any) arising from its former membership in the joint  
40 district as provided under IC 13-21-4;

41 (2) any assets of the joint district that are apportioned to the  
42 county under IC 13-21-4-4 shall be used by the district for



1 that purpose or transferred to the county executive to be used  
2 in the future for that purpose; and

3 (3) to the extent that there are assets of the district that are  
4 apportioned to the county under IC 13-21-4-4 and that are not  
5 necessary to satisfy the legal obligations described in  
6 subdivision (1), those assets:

7 (A) shall be transferred to the political subdivisions within  
8 the county as provided in the plan adopted by the county  
9 executive under section 3(5) of this chapter; and

10 (B) after the transfers under clause (A), become the assets  
11 of the political subdivisions to which those assets are  
12 transferred.

13 (c) If the county executive of the county adopts an ordinance  
14 under subsection (a), the county, after the date on which the  
15 withdrawal of the county from the joint district is effective under  
16 IC 13-21-4:

17 (1) is no longer subject to this article, except for this chapter;  
18 and

19 (2) is not a county district or a member of a joint district.

20 Sec. 3. The following apply if the county executive of a county  
21 adopts an ordinance under section 1 or 2 of this chapter:

22 (1) If the former solid waste management district of the  
23 county imposed a property tax levy under  
24 IC 13-21-3-12(a)(13), the board of the district shall by  
25 resolution do one (1) of the following not later than thirty (30)  
26 days after the county executive adopts the ordinance under  
27 section 1 or 2 of this chapter:

28 (A) Provide that the maximum property tax levies of  
29 political subdivisions in the county shall be adjusted as  
30 provided in section 4 of this chapter after the dissolution of  
31 the district or the withdrawal from the district.

32 (B) Provide that the maximum property tax levies of  
33 political subdivisions in the county shall not be adjusted as  
34 provided in section 4 of this chapter after the dissolution of  
35 the district or the withdrawal from the district.

36 (2) If the former solid waste management district of the  
37 county adopted a resolution that had the force and effect of  
38 law under IC 13-21-3-12(a)(17), the county executive shall, by  
39 ordinance, do one (1) of the following:

40 (A) Nullify the resolution.

41 (B) Adopt the substance of the resolution as an ordinance  
42 of the county.



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**(3) If the former solid waste management district of the county imposed a district fee on the disposal of solid waste in a final disposal facility under IC 13-21-13, the following apply upon the dissolution of the county district or the withdrawal of the county from the joint district:**

**(A) Except as provided in sections 1(c)(2) and 2(b)(2) of this chapter, unexpended revenue of the fee, including the money in the fund established under IC 13-21-13-2, shall be transferred to the political subdivisions within the county as provided in the plan adopted by the county executive under subdivision (5).**

**(B) The board of the district shall by resolution do one (1) of the following not later than thirty (30) days after the county executive adopts the ordinance under section 1 or 2 of this chapter:**

**(i) Provide that the collection of the fee should be continued as provided in section 5(a) of this chapter by the county after the dissolution of the district or the withdrawal from the district, and that the revenue from the fee shall be distributed as provided in section 5(a) of this chapter.**

**(ii) Provide that the collection of the fee should not be continued as provided in section 5(a) of this chapter by the county after the dissolution of the district or the withdrawal from the district.**

**(4) If the former solid waste management district of the county imposed a district solid waste management fee under IC 13-21-14, the following apply upon the dissolution of the county district or the withdrawal of the county from the joint district:**

**(A) Except as provided in sections 1(c)(2) and 2(b)(2) of this chapter, unexpended revenue of the solid waste management fee shall be transferred to the political subdivisions within the county as provided in the plan adopted by the county executive under subdivision (5).**

**(B) The board of the district shall by resolution do one (1) of the following not later than thirty (30) days after the county executive adopts the ordinance under section 1 or 2 of this chapter:**

**(i) Provide that the collection of the fee should be continued by the county as provided in section 5(b) of this chapter after the dissolution of the district or the**



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withdrawal from the district, and that the revenue from the fee shall be distributed as provided in section 5(b) of this chapter.

(ii) Provide that the collection of the fee should not be continued as provided in section 5(b) of this chapter by the county after the dissolution of the district or the withdrawal from the district.

(5) The county executive shall do the following:

(A) At the same time that the county executive adopts the ordinance under section 1 or 2 of this chapter, adopt a plan concerning the distribution of the district's assets that are not necessary to satisfy legal obligations of the district. The plan must specify the following:

(i) The manner in which the assets shall be distributed to the political subdivisions in the county.

(ii) Which political subdivisions shall receive a distribution from the assets of the district.

(iii) Whether a particular asset should be distributed to a specific political subdivision, or whether that particular asset should be sold and the proceeds from the sale of the asset distributed to specified political subdivisions.

(B) Distribute the assets as provided in the plan.

Sec. 4. The following apply if the county executive of a county adopts an ordinance under section 1 or 2 of this chapter and the board of the district adopts a resolution under section 3(1)(A) of this chapter providing that the maximum permissible property tax levies of political subdivisions in the county shall be adjusted under this section:

(1) The adjustment applies beginning with the property tax levies imposed in the year following the last year in which the district imposes a property tax levy.

(2) Each maximum permissible property tax levy determined for a political subdivision in the county shall be adjusted under the following STEPS:

STEP ONE: Determine the amount of the political subdivision's maximum permissible property tax levy that would apply in the year, before making the adjustment under this section.

STEP TWO: Determine the sum of the STEP ONE amounts for all political subdivisions in the county.

STEP THREE: Divide the STEP ONE amount by the



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**STEP TWO amount.**

**STEP FOUR: Determine the following:**

**(A) In the case of a county that dissolves a district under section 1 of this chapter, the maximum permissible property tax levy that applied to the district in the last year in which the district imposed a property tax levy.**

**(B) In the case of a county that withdraws from a joint solid waste management district, an amount equal to the result of:**

**(i) the maximum permissible property tax levy that applied to the district in the last year in which the district imposed a property tax levy; multiplied by**

**(ii) a fraction equal to the assessed valuation of the withdrawing county in the last year in which the district imposed a property tax levy, divided by the assessed valuation of the entire district in the last year in which the district imposed a property tax levy.**

**STEP FIVE: Multiply the STEP THREE amount by the STEP FOUR amount.**

**STEP SIX: Add the STEP FIVE amount to the STEP ONE amount.**

**Sec. 5. (a) The following apply if the county executive of a county adopts an ordinance under section 1 or 2 of this chapter and the board of the district adopts a resolution under section 3(3)(B)(i) of this chapter providing that the district fee on the disposal of solid waste in a final disposal facility under IC 13-21-13 should be continued:**

**(1) The fee imposed by the board before the dissolution of the district or the withdrawal from the district shall continue to be imposed by the county under IC 13-21-13 at the rate or amount imposed at the time of the dissolution or withdrawal.**

**(2) The fee shall be remitted to the county auditor.**

**(3) Notwithstanding any other law, the county auditor shall each month distribute to each political subdivision in the county the fee revenue received during the preceding month. The amount that each political subdivision in the county is entitled to receive is equal to the amount determined in the following formula:**

**STEP ONE: Determine the sum of the certified property tax levies for the political subdivision during the calendar year in which the distribution is made.**

**STEP TWO: Determine the sum of the STEP ONE**



- 1            amounts for all political subdivisions in the county.  
 2            **STEP THREE: Divide the STEP ONE amount by the**  
 3            **STEP TWO amount.**  
 4            **STEP FOUR: Multiply the STEP THREE amount by the**  
 5            **amount of fee revenue that is being distributed.**  
 6            **(4) The following applies to fee revenue received by a political**  
 7            **subdivision under this subsection:**  
 8            **(A) The political subdivision may use the fee revenue for**  
 9            **any legal purpose of the political subdivision.**  
 10            **(B) The fee revenue shall be treated as additional revenue**  
 11            **for the purpose of fixing the political subdivision's budget**  
 12            **for the budget year during which the fee revenue is to be**  
 13            **distributed to the political subdivision.**  
 14            **(b) The following apply if the county executive of a county**  
 15            **adopts an ordinance under section 1 or 2 of this chapter and the**  
 16            **board of the district adopts a resolution under section 3(4)(B)(i) of**  
 17            **this chapter providing that a district solid waste management fee**  
 18            **under IC 13-21-14 should be continued:**  
 19            **(1) The fee imposed by the board before the dissolution of the**  
 20            **district or the withdrawal from the district shall continue to**  
 21            **be imposed by the county under IC 13-21-14 at the rate or**  
 22            **amount imposed at the time of the dissolution or withdrawal.**  
 23            **(2) The fee shall be collected by the county in a manner**  
 24            **specified in IC 13-21-14.**  
 25            **(3) Notwithstanding any other law, the county auditor shall**  
 26            **each month distribute to each political subdivision in the**  
 27            **county the fee revenue received during the preceding month.**  
 28            **The amount that each political subdivision in the county is**  
 29            **entitled to receive is equal to the amount determined in the**  
 30            **following formula:**  
 31            **STEP ONE: Determine the sum of the certified property**  
 32            **tax levies for the political subdivision during the calendar**  
 33            **year in which the distribution is made.**  
 34            **STEP TWO: Determine the sum of the STEP ONE**  
 35            **amounts for all political subdivisions in the county.**  
 36            **STEP THREE: Divide the STEP ONE amount by the**  
 37            **STEP TWO amount.**  
 38            **STEP FOUR: Multiply the STEP THREE amount by the**  
 39            **amount of fee revenue that is being distributed.**  
 40            **(4) The following applies to fee revenue received by a political**  
 41            **subdivision under this subsection:**  
 42            **(A) The political subdivision may use the fee revenue for**



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any legal purpose of the political subdivision.  
(B) The fee revenue shall be treated as additional revenue for the purpose of fixing the political subdivision's budget for the budget year during which the fee revenue is to be distributed to the political subdivision.

Sec. 6. (a) This section applies in the case of a district that is dissolved under section 1 or 2 of this chapter.

(b) The following apply to the extent that any outstanding legal obligations remain after the assets of the district have been used to pay those outstanding legal obligations:

(1) The territory of the district constitutes a special taxing district for purposes of paying those outstanding legal obligations.

(2) The department of local government finance shall determine:

(A) the amount of legal obligations, if any, that remain after the assets of the district have been used to pay the district's legal obligations; and

(B) the property tax levy and property tax rate that must be imposed each year to pay the district's outstanding legal obligations as they become due (including any amounts required for reserves or sinking funds).

(3) The county fiscal body shall each year impose in the special taxing district the property tax levy and property tax rate that the department of local government finance determines is necessary under subdivision (2).

(4) The property tax levy collected under this chapter shall be distributed to the county and used by the county solely for the purpose of paying the remaining outstanding legal obligations of the district.

