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# HOUSE BILL No. 1144

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-208; IC 13-20-22-2; IC 13-21-13-2; IC 13-25-4-1.

**Synopsis:** Eligibility for solid waste benefits. Removes a municipality from eligibility for certain state and local financial benefits if the municipality disposes of more than 25% by weight of its municipal solid waste outside Indiana or outside the solid waste management district in which the municipality and a solid waste landfill are located.

**Effective:** January 1, 2003.

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January 9, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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# HOUSE BILL No. 1144



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 13-11-2-208, AS AMENDED BY P.L.218-2001,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2003]: Sec. 208. "Solid waste landfill", for purposes of
- 4 IC 13-20-9, IC 13-20-21-6, **IC 13-21-13**, and IC 13-22-9, means a solid
- 5 waste disposal facility at which solid waste is deposited on or beneath
- 6 the surface of the ground as an intended place of final location.
- 7 SECTION 2. IC 13-20-22-2, AS AMENDED BY P.L.237-1999,
- 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JANUARY 1, 2003]: Sec. 2. (a) The state solid waste management
- 10 fund is established to provide money for the following:
- 11 (1) Programs that provide grants and loans that provide education
- 12 and promote the following:
- 13 (A) Recycling and the use of recycled materials.
- 14 (B) Waste reduction.
- 15 (C) Management of yard waste.
- 16 (2) Providing grants to implement household hazardous waste
- 17 source reduction or recycling projects.



- 1 (3) Providing grants for household hazardous waste and  
 2 conditionally exempting small quantity generator waste  
 3 collection, recycling, or disposal projects under IC 13-20-20.
- 4 (b) The expenses of administering the fund shall be paid from  
 5 money in the fund.
- 6 (c) The sources of money for the fund are the following:
- 7 (1) All fees deposited into the fund under section 12(2) of this  
 8 chapter.
- 9 (2) Accrued interest and other investment earnings of the fund.
- 10 (3) Appropriations made by the general assembly.
- 11 (4) Gifts and donations from any person to the fund.
- 12 (d) The treasurer of state shall invest the money in the fund not  
 13 currently needed to meet the obligations of the fund in the same  
 14 manner as other public money may be invested.
- 15 (e) Money in the fund at the end of a state fiscal year does not revert  
 16 to the state general fund.
- 17 **(f) Money in the fund may not be used in a calendar year for any**  
 18 **purpose that benefits a municipality that in the immediately**  
 19 **preceding calendar year:**
- 20 **(1) collected solid waste in the municipality; and**  
 21 **(2) disposed of more than twenty-five percent (25%) by**  
 22 **weight of the solid waste outside Indiana.**
- 23 SECTION 3. IC 13-21-13-2 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 2. (a) A board that  
 25 has imposed fees under section 1 of this chapter shall establish and  
 26 continuously maintain a separate fund under this section to be known  
 27 as the "\_\_\_\_\_ district solid waste management fund".
- 28 (b) All fees remitted to the district under section 1 of this chapter  
 29 shall be deposited in the fund.
- 30 (c) Money in the fund may be used only for the following purposes:
- 31 (1) To pay expenses of administering the fund.
- 32 (2) To pay costs associated with the development and  
 33 implementation of the district plan.
- 34 (d) The controller of the district shall administer a fund established  
 35 under this section. Money in the fund that is not currently needed for  
 36 the purposes set forth in subsection (c) may be invested in the same  
 37 manner as other county money may be invested. Interest that accrues  
 38 from these investments shall be deposited in the fund. Money in the  
 39 fund at the end of a district's fiscal year does not revert to:
- 40 (1) a county general fund; or  
 41 (2) any other fund.
- 42 (e) The controller of a district shall:

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- 1 (1) file an individual surety bond; or
- 2 (2) revise an existing bond;
- 3 in a sufficient amount determined under IC 5-4-1-18 to reflect the
- 4 liability associated with the handling of the district's money.

5 **(f) Money in the fund may not be used in a calendar year for any**  
 6 **purpose that benefits a municipality located in a district in which**  
 7 **a solid waste landfill is located if in the immediately preceding**  
 8 **calendar year the municipality:**

- 9 (1) collected solid waste in the municipality; and
- 10 (2) disposed of more than twenty-five percent (25%) by
- 11 weight of the solid waste outside the district.

12 SECTION 4. IC 13-25-4-1, AS AMENDED BY P.L.237-1999,  
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2003]: Sec. 1. (a) The hazardous substances response  
 15 trust fund is established. The purpose of the fund is to accumulate and  
 16 maintain a source of money for the following purposes:

- 17 (1) Financing contracts or cooperative agreements between the
- 18 state and the President of the United States under Section 104 of
- 19 CERCLA (42 U.S.C. 9604).
- 20 (2) Providing state assistance in the form of supplies, materials,
- 21 services, and equipment to:
  - 22 (A) prevent the release of a hazardous substance or
  - 23 contaminant; or
  - 24 (B) control, contain, isolate, neutralize, remove, store, or
  - 25 dispose of any hazardous substance or contaminant already
  - 26 released into or on the air, land, or waters of Indiana.
- 27 (3) Financing response actions that are:
  - 28 (A) undertaken or authorized by the commissioner with
  - 29 respect to sites in Indiana; and
  - 30 (B) considered by the commissioner to be necessary to protect
  - 31 the public health or welfare or the environment from the
  - 32 release or threatened release of a hazardous substance or
  - 33 contaminant.
- 34 (4) Paying expenses related to releases of regulated substances
- 35 other than petroleum from underground storage tanks under
- 36 IC 13-23-13-7.
- 37 (5) Paying administrative and personnel expenses incurred by the
- 38 state in responding to releases or threats of releases of hazardous
- 39 substances or contaminants.
- 40 (6) Paying claims for the reimbursement of necessary response
- 41 costs incurred by persons that have received preauthorization
- 42 from the commissioner for reimbursement.

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- 1 (7) Providing grants for household hazardous waste and
- 2 conditionally exempt small quantity generator waste collection,
- 3 recycling, or disposal projects under IC 13-20-20.
- 4 (8) Paying administrative and personnel expenses incurred by the
- 5 department in implementing and administering household
- 6 hazardous waste and conditionally exempt small quantity
- 7 generator waste collection, recycling, or disposal projects under
- 8 IC 13-20-20.
- 9 (9) Transferring funds to the environmental remediation revolving
- 10 loan fund established by IC 13-19-5-2.
- 11 (b) Money in the fund at the end of a state fiscal year does not revert
- 12 to the state general fund.
- 13 (c) **Money in the fund may not be used in a calendar year for**
- 14 **any purpose that benefits a municipality that in the immediately**
- 15 **preceding calendar year:**
- 16 (1) **collected solid waste in the municipality; and**
- 17 (2) **disposed of more than twenty-five percent (25%) by**
- 18 **weight of the solid waste outside Indiana.**

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