

AN ACT

ENTITLED, An Act to provide for the purchase, sale, or transfer of certain solid waste or recyclable materials by local government entities and to revise certain provisions related to the operation of solid waste and recycling facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34A-6 be amended by adding thereto a NEW SECTION to read as follows:

The governing body of any county, municipality, or political subdivision of the state may, by ordinance or resolution, establish policies, requirements, and procedures for the purchase, acquisition, sale, or transfer of any solid waste, as defined in § 34A-6-1.3; solid waste by-products; recyclable materials, as defined in § 34A-6-61; and scrap materials by any solid waste or recycling system or facility that is owned or operated by the county, municipality, or political subdivision or by any other facility or program that is owned or operated by the county, municipality, or political subdivision. Policies and requirements established pursuant to this section shall conform to state statutes and rules related to solid waste and recycling.

Such purchases, acquisitions, sales, and transfers are exempt from the requirements of chapters 5-18 and 6-13. If the governing body determines that it would be in the best interests of the county, municipality, or political subdivision, the governing body may attempt to identify additional prospective buyers or sellers and may negotiate the conditions of such transactions with prospective buyers or sellers, including price, delivery, transport, quantity, and length of contract, to obtain the price or conditions most advantageous to the governing body. The governing body may authorize procedures for adjusting prices to meet changing market conditions not within the control of the purchaser or seller. No governing board member and no officer of the county, municipality, or political subdivision may purchase or acquire the materials described in this section unless such

materials are available for sale to or acquisition by the general public.

Section 2. That § 7-33-6 be amended to read as follows:

7-33-6. The board of county commissioners of a county may, in accordance with the provisions of sections 1 and 4 of this Act, establish policies and requirements for the operation of solid waste or recycling facilities and systems and the sale or transfer of solid waste materials or by-products or recyclable materials.

Section 3. That § 34A-6-37 be amended to read as follows:

34A-6-37. Any county, municipality, or other political subdivision of the state that is authorized to own or operate a solid waste or recycling facility or system may accept and disburse funds derived from grants from the federal or state governments, from private sources, from moneys that may be appropriated from the general fund, or a combination thereof for the installation and operation of a solid waste management system or facility, recycling facility, or any portion of such a system or facility. In addition, the county, municipality, or political subdivision may accept and disburse funds that are derived from or used for transactions authorized under section 1 of this Act. Such transactions are exempt from the provisions of §§ 7-8-15, 7-11-6, 7-18-3, 7-22-1, 7-22-2, 7-22-3, 9-18-1, 9-23-1, 9-23-2, and 9-23-3.

Section 4. That § 34A-6-40 be amended to read as follows:

34A-6-40. The governing body of any county, municipality, or other political subdivision of the state may, by ordinance or resolution, establish policies and requirements governing the operation of any solid waste management facility or system or any recycling facility owned or operated by the county, municipality, or political subdivision. The policies and requirements may include operating procedures, procedures to protect the safety of operating personnel, hours of operation, and character and kind of wastes accepted by such facilities. Policies and requirements established pursuant to this section shall conform to state statutes and rules related to solid waste and recycling.

An Act to provide for the purchase, sale, or transfer of certain solid waste or recyclable materials by local government entities and to revise certain provisions related to the operation of solid waste and recycling facilities.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1121

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1121
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State