

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0199

SENATE BILL NO. 22

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Environment and Natural Resources

1 FOR AN ACT ENTITLED, An Act to authorize counties to borrow funds for the construction
2 and operation of solid waste management facilities through the issuance of revenue bonds
3 and to set rates in an amount sufficient to retire the bonds.

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

5 Section 1. That chapter 7-33 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For the purpose of defraying the cost of acquiring, establishing, planning, operating, and
8 maintaining a solid waste management system or facility, recycling facility, or any portion of
9 such a system or facility, the board of county commissioners may borrow money and issue
10 negotiable revenue bonds, without pledging or using the credit of the county. All proceedings
11 for the construction and operation of a solid waste management system or facility, recycling
12 facility, or any portion of such a system or facility, and the borrowing of money and issuing of
13 bonds therefore, shall be governed, to the extent applicable, by this Act and chapters 9-40 and
14 34A-6. All revenue bonds shall be authorized, issued, and sold as provided in chapter 6-8B.

15 Section 2. That chapter 7-33 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The board of county commissioners may:

- 3 (1) Fix reasonable rates and charges for services furnished and made available by the
4 county to users of its facilities;
- 5 (2) Provide for the collection of the rates and charges;
- 6 (3) Pledge the net revenues derived from the facilities to the payment of bonds made
7 payable from the revenues; and
- 8 (4) Make and enforce on behalf of the county any such lawful provisions and stipulations
9 relating to the proper operation and maintenance of the facilities, the administration
10 of the income and revenues, the expenditure of the bond proceeds, and, without
11 limitation, all other matters affecting the security of the bonds and the bondholders,
12 which the board deems necessary.

13 Section 3. That chapter 7-33 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 If revenue bonds are issued pursuant to section 1 of this Act, the board of county
16 commissioners is obligated, until all the bonds and interest thereon are fully paid, to:

- 17 (1) Fix such rates and charges and to revise them from time to time in such manner that
18 the collections thereof will be adequate to pay all current, reasonable, and necessary
19 expenses of the operation and maintenance of all facilities whose revenues are
20 pledged for the payment of the bonds; and
- 21 (2) Produce net revenues, in excess of such current costs of operation and maintenance,
22 at all times sufficient to pay the principal and interest due on the bonds and to
23 accumulate and maintain reserves for the further security of the bonds in such
24 amounts as may be agreed in the resolutions authorizing the bonds.