

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0217

SENATE BILL NO. 37

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

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Water and Natural Resources to
2 contract for financial services, to provide for the confidentiality of certain proprietary
3 information, and to authorize additional forms of financial assistance by the board.

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

5 Section 1. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 In administering its programs as authorized in chapters 46A-1 and 46A-2, the board may
8 enter into contracts or agreements with any department, agency, or instrumentality of the United
9 States or this state, with regulated lenders as defined in § 54-3-14, or with trustees appointed
10 pursuant to this chapter for the servicing and processing of loans or other forms of financial
11 assistance or credit enhancement.

12 Section 2. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any documentary material or data made or received by the board or the Department of
15 Environment and Natural Resources for the purpose of furnishing financial assistance to a

1 business pursuant to the provisions of §§ 36A-6-81 to 34A-6-85.1, inclusive; 46A-1-83 to 46A-
2 1-84, inclusive; and 46A-1-91, to the extent that the material or data consists of trade secrets or
3 commercial or financial information regarding the operation of such business, is not a public
4 record, and is exempt from disclosure. Any discussion, consideration of, or action upon such
5 trade secrets or commercial or financial information by the board may be done in executive
6 session closed to the public.

7 Section 3. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 In addition to the grants and loans provided for in §§ 34A-6-85 and 46A-1-83, the board may
10 provide other forms of financial assistance or credit enhancement to eligible applicants and
11 projects for the planning, construction, and operation of solid waste management and recycling
12 facilities. The board may enter into contracts or agreements with any department, agency, or
13 instrumentality of the United States or this state, or with regulated lenders as defined in § 54-3-
14 14 for that purpose.

15 Section 4. That § 46A-1-84 be amended to read as follows:

16 46A-1-84. The Board of Water and Natural Resources shall promulgate rules pursuant to
17 chapter 1-26 to award ~~grants or loans to individuals, first and second class municipalities,~~
18 ~~counties, regional planning agencies representing municipalities or counties, public agencies~~
19 ~~working in cooperation with municipalities or counties or lawfully constituted combinations of~~
20 ~~these, for the purposes~~ grants, loans, or other forms of financial assistance to sponsors of solid
21 waste management projects. The rules shall base the awarding of grants or loans on a project's
22 reflection of the solid waste management policy and hierarchy established in § 34A-6-1.2, the
23 proposed amount of local matching funds, technical merit, and need for funding assistance.

24 Grants or loans may be awarded for planning, construction, and operation of solid waste
25 management and recycling facilities. Preference in awarding grants or loans shall be given for

1 projects which reduce the cost and number of landfills through shared facilities or use of
2 innovative or alternative techniques, which are high on the waste management policy hierarchy,
3 which involve areas which are particularly subject to groundwater or surface water
4 contamination, or which will reduce long-term operating, closure, or post-closure costs.