

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

309A0422

SENATE ENGROSSED NO. **HB1150** - 2/27/97

Introduced by: Representatives Wetz, Brooks, Gabriel, Jaspers, Koskan, Madden, McNenny, Napoli, Richter, and Wick and Senators Aker, Everist, and Whiting

1 FOR AN ACT ENTITLED, An Act to repeal certain landfill disposal bans.

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

3 Section 1. That § 34A-6-67 be amended to read as follows:

4 34A-6-67. In achieving the waste reduction goals provided for under § 34A-6-60, every
5 municipality or other political subdivision responsible for solid waste management shall
6 implement the following landfill waste reduction targets in accordance with the following
7 implementation dates:

8 (1) Beginning on January 1, 1995, all yard wastes shall be eliminated from landfilled
9 wastes;

10 (2) Beginning July 1, 1995, all lead acid batteries and waste motor oil shall be eliminated
11 from landfilled wastes;

12 (3) Beginning on January 1, 1996, all white good appliances shall be eliminated from
13 landfilled wastes;

14 (4) Beginning on July 1, 1996, all office and computer paper shall be eliminated from
15 landfill wastes;

1 (5) Beginning on January 1, 1997, all printed paper products and any marketable
2 corrugated cardboard shall be eliminated from landfill wastes; and

3 (6) Beginning on July 1, 1997, all containers made from glass, plastic, aluminum or steel
4 shall be eliminated from landfill wastes.

5 Every municipality or other political subdivision responsible for solid waste management shall
6 comply with each of these landfill waste reduction targets. However, if the governing body, after
7 open meeting and allowing public input, makes a resolution finding that recycling of the solid
8 waste in a manner consistent with the reduction targets provided by this section is unavailable,
9 the governing body may by ordinance exempt the political subdivision from any of the waste
10 reduction targets provided by this section. The term, unavailable, means that recycling is
11 determined by the governing body to cost more than the true and total cost of unsubsidized
12 landfilling, including long-term costs of all options analyzed in the waste evaluation. If the price
13 that is to be charged to any solid waste hauler by a recycling facility to accept any materials that
14 are prohibited from being landfilled under subdivisions (4), (5), or (6) of this section exceeds the
15 price that would be charged to the hauler to dispose of solid waste at the landfill nearest to the
16 recycling facility , the materials may, at the hauler's discretion, be disposed of at the landfill
17 regardless of the landfill waste reduction targets established in this section and regardless of
18 whether the governing body has exempted itself from any of the waste reduction targets.

19 The governing body shall review any determination made under this section at least once
20 every two years if it determines that recycling is unavailable. The determination required by this
21 section regarding recycling shall be made separately for each subdivision of this section.

22 Any resolution exempting a political subdivision from a landfill waste reduction target shall
23 be subject to a referendum of the voters of the municipality or political subdivision. Referendum
24 procedures shall conform to the provisions of chapter 9-20.

1 **BILL HISTORY**

2 1/29/97 First read in House and referred to Agriculture & Natural Resources. H.J. 196

3 1/30/97 Scheduled for Committee hearing on this date.

4 2/4/97 Scheduled for Committee hearing on this date.

5 2/6/97 Scheduled for Committee hearing on this date.

6 2/6/97 Agriculture & Natural Resources Do Pass, Failed, AYES 5, NAYS 3. H.J. 334

7 2/6/97 Agriculture & Natural Resources Reconsidered, AYES 8, NAYS 4.

8 2/6/97 Agriculture & Natural Resources Do Pass, Passed, AYES 8, NAYS 4.

9 2/10/97 Motion to Amend,. H.J. 385

10 2/10/97 Deferred with pending amendment (Rule 5-17). H.J. 385

11 2/12/97 Motion to Amend,. H.J. 446

12 2/12/97 House of Representatives Do Pass Amended, Passed, AYES 39, NAYS 30. H.J. 447

13 2/13/97 First read in Senate and referred to Local Government. S.J. 438

14 2/19/97 Scheduled for Committee hearing on this date.

15 2/19/97 Local Government Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 520

16 2/21/97 Senate Deferred to another day. S.J. 591

17 2/24/97 Motion to Amend, Passed. S.J. 607

18 2/24/97 Motion to Amend,. S.J. 607

19 2/24/97 Motion to Amend, Failed. S.J. 608

20 2/24/97 Senate Deferred to another day. S.J. 608

21 2/25/97 Motion to Amend,. S.J. 633

22 2/25/97 Tabled amendment. S.J. 633

23 2/25/97 Motion to Amend,. S.J. 633

24 2/25/97 Tabled amendment. S.J. 634

25 2/25/97 Motion to Amend, Failed. S.J. 634

- 1 2/25/97 Senate Tabled, AYES 20, NAYS 12. S.J. 635
- 2 2/25/97 Intent to reconsider. S.J. 635
- 3 2/26/97 Senate Reconsidered, AYES 30, NAYS 5. S.J. 648
- 4 2/26/97 Motion to Amend,. S.J. 649
- 5 2/26/97 Motion to Amend, Passed, AYES 29, NAYS 6. S.J. 649
- 6 2/26/97 Senate Do Pass Amended, Passed, AYES 28, NAYS 7. S.J. 650