

## AN ACT

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

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

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

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

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

Any documentary material or data made or received by the board or the Department of Environment and Natural Resources for the purpose of furnishing financial assistance to a business pursuant to the provisions of §§ 36A-6-81 to 34A-6-85.1, inclusive; 46A-1-83 to 46A-1-84, inclusive; and 46A-1-91, to the extent that the material or data consists of trade secrets or commercial or financial information regarding the operation of such business, is not a public record, and is exempt from disclosure. Any discussion or consideration of such trade secrets or commercial or financial information by the board may be done in executive session closed to the public.

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

In addition to the grants and loans provided for in §§ 34A-6-85 and 46A-1-83, the board may

provide other forms of financial assistance or credit enhancement to eligible applicants and projects for the planning, construction, and operation of solid waste management and recycling facilities. The board may enter into contracts or agreements with any department, agency, or instrumentality of the United States or this state, or with regulated lenders as defined in § 54-3-14 for that purpose.

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

46A-1-84. The Board of Water and Natural Resources shall promulgate rules pursuant to chapter 1-26 to award grants, loans, or other forms of financial assistance to sponsors of solid waste management projects. The rules shall base the awarding of grants or loans on a project's reflection of the solid waste management policy and hierarchy established in § 34A-6-1.2, the proposed amount of local matching funds, technical merit, and need for funding assistance.

Grants or loans may be awarded for planning, construction, and operation of solid waste management and recycling facilities. Preference in awarding grants or loans shall be given for projects which reduce the cost and number of landfills through shared facilities or use of innovative or alternative techniques, which are high on the waste management policy hierarchy, which involve areas which are particularly subject to groundwater or surface water contamination, or which will reduce long-term operating, closure, or post-closure costs.

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I certify that the attached Act
originated in the
SENATE as Bill No. 37

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 37
File No.
Chapter No.

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Received at this Executive Office
this \_\_\_ day of \_\_\_\_\_,
19\_\_ at \_\_\_ M.

By \_\_\_\_\_
for the Governor

The attached Act is hereby
approved this \_\_\_ day of
\_\_\_\_\_, A.D., 19\_\_

Governor

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

Filed \_\_\_\_\_, 19\_\_
at \_\_\_\_\_ o'clock \_\_ M.

Secretary of State

By \_\_\_\_\_
Asst. Secretary of State