

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

444N0077

HOUSE BILL NO. 1121

Introduced by: Representatives Hanks, Cutler, Kirkeby, Krebs, Lucas, McLaughlin, Moore, Nelson, Nygaard, and Rounds and Senators Nesselhuf, Albers, Gant, Kloucek, Knudson, McCracken, and Olson (Ed)

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

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

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

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

15 Such purchases, acquisitions, sales, and transfers are exempt from the requirements of



1 chapters 5-18 and 6-13. If the governing body determines that it would be in the best interests
2 of the county, municipality, or political subdivision, the governing body may attempt to identify
3 additional prospective buyers or sellers and may negotiate the conditions of such transactions
4 with prospective buyers or sellers, including price, delivery, transport, quantity, and length of
5 contract, to obtain the price or conditions most advantageous to the governing body. The
6 governing body may authorize procedures for adjusting prices to meet changing market
7 conditions not within the control of the purchaser or seller. No governing board member and no
8 officer of the county, municipality, or political subdivision may purchase or acquire the
9 materials described in this section unless such materials are available for sale to or acquisition
10 by the general public.

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

12 7-33-6. The board of county commissioners of a county ~~shall have the right to establish~~
13 ~~policies for the operation of a solid wastes management system including hours of operation,~~
14 ~~character and kind of wastes accepted at the disposal site and the sale of by-products and~~
15 ~~recyclable products, and such other rules as may be necessary for the safety of the operating~~
16 ~~personnel. Such policies shall be in conformity with state rules and regulations for solid waste~~
17 ~~disposal~~ may, in accordance with the provisions of sections 1 and 4 of this Act, establish
18 policies and requirements for the operation of solid waste or recycling facilities and systems and
19 the sale or transfer of solid waste materials or by-products or recyclable materials.

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

21 34A-6-37. ~~Municipalities~~ Any county, municipality, or other political subdivision of the
22 state that is authorized to own or operate a solid waste or recycling facility or system may accept
23 and disburse funds derived from grants from the federal or state governments ~~or,~~ from private
24 sources ~~or,~~ from moneys that may be appropriated from the general fund, or a combination

1 thereof for the installation and operation of a solid waste management system ~~or any portion~~
2 ~~thereof or facility, recycling facility, or any portion of such a system or facility.~~ In addition, the
3 county, municipality, or political subdivision may accept and disburse funds that are derived
4 from or used for transactions authorized under section 1 of this Act. Such transactions are
5 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,
6 9-23-2, and 9-23-3.

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

8 34A-6-40. The governing body of a ~~municipality~~ any county, municipality, or other political
9 subdivision of the state may establish policies for the operation of a solid waste management
10 system including hours of operation, and such other requirements as may be necessary for the
11 safety of the operating personnel. Such policies and requirements shall be in conformity with
12 the provisions of state law, by ordinance or resolution, establish policies and requirements
13 governing the operation of any solid waste management facility or system or any recycling
14 facility owned or operated by the county, municipality, or political subdivision. The policies and
15 requirements may include operating procedures, procedures to protect the safety of operating
16 personnel, hours of operation, and character and kind of wastes accepted by such facilities.
17 Policies and requirements established pursuant to this section shall conform to state statutes and
18 rules related to solid waste and recycling.