

LEGISLATIVE BILL 911

Approved by the Governor February 24, 1984

Introduced by Urban Affairs Committee, Newell, 13,
Chairperson; Scofield, 49; Rupp, 22;
Fenger, 45; Vickers, 38

AN ACT relating to waste disposal facilities; to provide public policy; to authorize certain public entities to enter into agreements with landfill or other waste disposal facility operators as prescribed; to provide an exemption; and to state intent.

Be it enacted by the people of the State of Nebraska,

Section 1. It is the public policy of this state to protect its citizens by assuring adequate supervision of landfill operations and the related activities by directing the Department of Environmental Control to adopt and promulgate rules and regulations as provided in section 81-1505.

Sec. 2. In furtherance of the policy of the state as set forth in section 1 of this act, municipalities, counties, and public corporations may enact an ordinance, a resolution, or bylaws or may enter into written agreements between and among themselves and private or corporate landfill or other waste disposal facility operators which shall limit or shall set conditions to assure that a specified amount and type of garbage or waste material will be delivered to a specific landfill or other waste disposal facility.

Sec. 3. In exercising the powers granted in this act to execute agreements, municipalities, counties, and public corporations shall be exempt from all rules and regulations of state regulatory competition. It is intended that municipalities, counties, or public corporations carrying out the activities described in this act receive full exemption and immunity from state and federal antitrust laws in light of the public purpose and regulatory provisions provided by this act. The exemption granted pursuant to this section shall not be construed to diminish any other exemption for similar activities authorized through grants of authority to other public bodies even though such exemption may not be stated in terms of antitrust.

Sec. 4. The exemption granted under this act shall not constitute a waiver of or exemption from the bidding provisions of sections 16-321 and 17-568.01 or any other similar provision.