

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0267

SENATE BILL NO. 64

Introduced by: The Committee on Appropriations at the request of the Office of the
Governor

1 FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment
2 fund, the water pollution control revolving fund subfund, and the drinking water revolving
3 fund subfund for various water and environmental purposes, to authorize the construction
4 and establish the state cost share for the Southern Black Hills Water System, and to declare
5 an emergency.

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

7 Section 1. There is hereby appropriated from the South Dakota water and environment fund
8 established pursuant to § 46A-1-60, the sum of six million three hundred thousand dollars
9 (\$6,300,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
10 Natural Resources for the purpose of providing a grant to local project sponsors for the
11 engineering design, preconstruction activities, and construction of the Lewis and Clark rural
12 water system as authorized in § 46A-1-13.10. Funds shall be used by the project sponsors for
13 activities that qualify as nonfederal matching requirements as enumerated in P.L. 106-246 as
14 amended to January 1, 2010. Funds shall be provided according to terms and conditions
15 established by the Board of Water and Natural Resources.



1 Section 2. There is hereby appropriated from the South Dakota water and environment fund
2 established pursuant to § 46A-1-60, the sum of three hundred fifty thousand dollars (\$350,000),
3 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
4 Resources for the purpose of providing grants to local project sponsors for the engineering
5 design, preconstruction activities, and construction of the facilities included in the Southern
6 Black Hills Water System as authorized by section 3 of this Act. Funds shall be provided
7 according to terms and conditions established by the Board of Water and Natural Resources.

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

10 Pursuant to §§ 46A-1-11 to 46A-1-13, inclusive, construction of a seventy-seven million
11 eight hundred thousand dollar Southern Black Hills Water System as generally described in the
12 report "Southern Black Hills Water System Preliminary Engineering Report", dated February,
13 2005, is hereby authorized for the purposes of providing safe and adequate municipal, rural, and
14 industrial water supplies in the counties of Custer, Fall River, and Pennington.

15 There is hereby authorized from the South Dakota water and environment fund established
16 pursuant to § 46A-1-60, a grant in the amount of twelve million dollars, or so much thereof as
17 may be necessary, to provide the State of South Dakota's portion of the nonfederal matching
18 requirement for the Southern Black Hills Water System. No disbursements may be made under
19 the grant authorized by this section unless funds are appropriated by the Legislature in
20 conformance with § 46A-1-61. Funds appropriated for the Southern Black Hills Water System
21 since January 1, 2006, shall be considered as part of the State of South Dakota's portion of the
22 match requirement. Grant terms and conditions shall be set by the Board of Water and Natural
23 Resources.

24 Section 4. There is hereby appropriated from the South Dakota water and environment fund

1 established pursuant to § 46A-1-60, the sum of three million two hundred twenty-five thousand
2 dollars (\$3,225,000), or so much thereof as may be necessary, to the South Dakota Board of
3 Water and Natural Resources for the purpose of providing grants and loans to project sponsors
4 under the consolidated water facilities construction program established pursuant to § 46A-1-
5 63.1. Funds shall be provided according to terms and conditions established by the Board of
6 Water and Natural Resources.

7 Section 5. There is hereby appropriated from the South Dakota water and environment fund
8 established pursuant to § 46A-1-60, the sum of one million dollars (\$1,000,000), or so much
9 thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the
10 purpose of providing a grants and loans to project sponsors under the solid waste management
11 program established pursuant to § 46A-1-83. Funds shall be provided according to terms and
12 conditions established by the Board of Water and Natural Resources.

13 Section 6. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota
14 water and environment fund established pursuant to § 46A-1-60, from the fees received pursuant
15 to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of one million four hundred thousand dollars
16 (\$1,400,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
17 Natural Resources for the purpose of providing grants and loans to project sponsors for the
18 construction, remediation, enlargement, closure, or upgrade of regional landfills. Funds shall
19 be provided according to the terms and conditions established by the Board of Water and
20 Natural Resources. Notwithstanding § 46A-1-67, the term of years for loans under this section
21 may be extended to the useful life of the facilities being financed.

22 The department may use up to five hundred thousand dollars of the funds appropriated by
23 this section, to contract for the statewide cleanup of waste tires and solid waste.
24 Notwithstanding § 46A-1-61, the department may fund up to one hundred percent of the

1 nonfederal share of statewide waste tires and solid waste cleanup projects.

2 Section 7. There is hereby appropriated from administrative expense surcharge fees
3 deposited in the South Dakota state water pollution control revolving fund program subfund
4 established pursuant to § 46A-1-60.1, the sum of one million one hundred fifty thousand dollars
5 (\$1,150,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
6 Natural Resources for the purpose of providing water quality grants under the state water
7 pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds shall be
8 provided according to terms and conditions established by the Board of Water and Natural
9 Resources.

10 Section 8. There is hereby appropriated from administrative expense surcharge fees
11 deposited in the South Dakota state water pollution control revolving fund program subfund
12 established pursuant to § 46A-1-60.1, the sum of two hundred fifty thousand dollars (\$250,000),
13 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
14 Resources for the purpose of contracting for the preparation of applications and administration
15 of clean water state revolving fund loans under the state water pollution control revolving fund
16 program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and
17 conditions established by the Board of Water and Natural Resources.

18 Section 9. There is hereby appropriated from administrative expense surcharge fees
19 deposited in the South Dakota state drinking water revolving fund program subfund established
20 pursuant to § 46A-1-60.1, the sum of two hundred fifty thousand dollars (\$250,000), or so much
21 thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the
22 purpose of contracting for the preparation of applications and administration of drinking water
23 state revolving fund loans under the state drinking water revolving fund program established
24 pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established

1 by the Board of Water and Natural Resources.

2 Section 10. There is hereby appropriated from federal funds deposited in the South Dakota
3 state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the
4 sum of two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be
5 necessary, to the South Dakota Board of Water and Natural Resources for the purpose of
6 providing small system technical assistance set-aside grants to project sponsors under the state
7 drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds shall be
8 provided according to terms and conditions established by the Board of Water and Natural
9 Resources.

10 Section 11. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
12 full force and effect from and after its passage and approval.