

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0684

HOUSE BILL NO. 1277

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 general fund, the water and
2 environment fund, the environment and natural resources fee fund, the water pollution
3 control revolving fund subfund, and the drinking water revolving fund subfund for various
4 water and environmental purposes, to revise the state cost share for the Lewis and Clark
5 Rural Water System, to revise the state water plan, and to declare 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 three million five hundred thousand dollars
9 (\$3,500,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
10 Natural Resources for the purpose of providing grants and loans to project sponsors under the
11 consolidated water facilities construction program established pursuant to § 46A-1-63.1. Funds
12 shall be provided according to terms and conditions established by the Board of Water and
13 Natural Resources.

14 Section 2. That § 46A-1-13.10 be amended to read as follows:

15 46A-1-13.10. Pursuant to §§ 46A-1-11 to 46A-1-13, inclusive, construction of the South



1 Dakota project features of a two hundred seventy-two million eight hundred thousand dollar
2 Lewis and Clark Rural Water System as generally described in the report "Feasibility Level
3 Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota"
4 dated September 1993, is hereby authorized for the purposes of providing safe and adequate
5 municipal, rural and industrial water supplies as well as mitigation of wetlands and water
6 conservation in the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, and Lake.

7 There is hereby authorized ~~from the South Dakota water and environment fund established~~
8 ~~pursuant to § 46A-1-60, a grant~~ state grants in the amount of nineteen million six hundred
9 eighty-five thousand dollars (\$19,685,000), or so much thereof as may be necessary, to provide
10 the State of South Dakota's portion of the nonfederal matching requirement for the Lewis and
11 Clark Rural Water System. No disbursements may be made under the grant authorized by this
12 section unless funds are appropriated by the Legislature ~~in conformance with § 46A-1-61.~~ Grant
13 terms and conditions shall be set by the Board of Water and Natural Resources.

14 The grant authorized by this section may be increased or decreased by such amounts as may
15 be justified by reason of ordinary fluctuations in development costs incurred after September
16 1993, as indicated by engineering costs indices applicable for the type of construction involved.

17 For purposes of § 1.103-1 of the federal income tax regulations, Lewis and Clark Rural
18 Water System, Inc. is hereby recognized as a corporation authorized to act on behalf of its
19 members, including its South Dakota member governmental units, to provide drinking water
20 to their communities, and to issue debt obligations in its own name on behalf of some or all of
21 its members. However, no South Dakota member governmental unit is liable for the payment
22 of principal of or interest on such obligations.

23 Section 3. There is hereby appropriated from the South Dakota water and environment fund
24 established pursuant to § 46A-1-60, the sum of five million four hundred thousand dollars

1 (\$5,400,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
2 Natural Resources for the purpose of providing a grant to local project sponsors for the
3 engineering design, preconstruction activities, and construction of the Lewis and Clark rural
4 water system as authorized in § 46A-1-13.10. Funds shall be used by the project sponsors for
5 activities that qualify as nonfederal matching requirements as enumerated in P.L. 106-246 as
6 amended to January 1, 2008. Funds shall be provided according to terms and conditions
7 established by the Board of Water and Natural Resources.

8 Section 4. There is hereby appropriated from the general fund the sum of one million dollars
9 (\$1,000,000), 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, 2008. Funds shall be provided according to terms and conditions
15 established by the Board of Water and Natural Resources.

16 Section 5. There is hereby appropriated from the South Dakota water and environment fund
17 established pursuant to § 46A-1-60, the sum of seven hundred fifty thousand dollars (\$750,000),
18 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
19 Resources for the purpose of providing grants to local project sponsors for the engineering
20 design, preconstruction activities, and construction of the facilities included in the Southern
21 Black Hills Water System. Funds shall be provided according to terms and conditions
22 established by the Board of Water and Natural Resources.

23 Section 6. There is hereby appropriated from the South Dakota water and environment fund
24 established pursuant to § 46A-1-60, the sum of five hundred thousand dollars (\$500,000), or

1 so much thereof as may be necessary, to provide funds to the South Dakota Board of Water and
2 Natural Resources for the purpose of providing a three hundred fifty-six thousand dollar grant
3 and a one hundred forty-four thousand dollar loan to the project sponsors for the engineering
4 design, preconstruction activities, and construction of the facilities included in the Perkins
5 County rural water system as authorized in § 46A-1-94. Funds shall be used by the project
6 sponsors for activities that qualify as nonfederal matching requirements as enumerated in P.L.
7 106-136 as amended to January 1, 2008. Funds shall be provided according to terms and
8 conditions established by the Board of Water and Natural Resources.

9 Section 7. That § 46A-1-2.1 be amended to read as follows:

10 46A-1-2.1. The Legislature finds that the following water resources projects are necessary
11 for the general welfare of the people of the State of South Dakota and authorizes the projects
12 pursuant to § 46A-1-2 to be included in the state water resources management system to serve
13 as the preferred, priority objectives of the state: Big Sioux flood control study, Black Hills
14 hydrology and water management study, Cendak irrigation project, Gregory County pumped
15 storage site, ~~James River improvement program~~, Lake Andes-Wagner/Marty II irrigation unit,
16 Lewis and Clark rural water system, Mni Wiconi rural water system, Perkins County rural water
17 system, Sioux Falls flood control project, Slip-Up Creek, Southern Black Hills Water System,
18 and Vermillion basin flood control project.

19 Section 8. There is hereby appropriated from the South Dakota water and environment fund
20 established pursuant to § 46A-1-60, the sum of one million two hundred fifty thousand dollars
21 (\$1,250,000), or so much thereof that may be necessary, to the South Dakota Board of Water
22 and Natural Resources for the purpose of providing grants and loans to project sponsors under
23 the solid waste management program established pursuant to § 46A-1-83. Funds shall be
24 provided according to the terms and conditions established by the Board of Water and Natural

Resources.

Section 9. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, from the fees received pursuant to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of one million five hundred thousand dollars (\$1,500,000), or so much thereof that may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing grants and loans to project sponsors for the construction, enlargement, or upgrade of regional landfills. Funds shall be provided according to the terms and conditions established by the Board of Water and Natural Resources. Notwithstanding § 46A-1-67, the term of years for loans under this section may be extended to the useful life of the facilities being financed.

Section 10. There is hereby appropriated from the South Dakota environment and natural resources fee fund established pursuant to § 1-40-30, the sum of one hundred thousand dollars (\$100,000), to the Department of Environment and Natural Resources for the determination of selected total maximum daily load limits as required pursuant to the 1998, 2002, 2004, and 2006 South Dakota 303(d) waterbody lists developed pursuant to the federal Clean Water Act § 303(d) as amended to January 1, 2008. Any funds appropriated by this section that are not expended for the authorized purpose shall be deposited in the South Dakota water and environment fund established pursuant to § 46A-1-60.

Section 11. There is hereby appropriated from administrative expense surcharge fees deposited in the South Dakota state water pollution control revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing water quality grants under the state water pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided

1 according to terms and conditions established by the Board of Water and Natural Resources.

2 Section 12. 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 hundred fifty thousand dollars (\$150,000),
5 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
6 Resources for the purpose of contracting for the preparation of applications and administration
7 of clean water state revolving fund loans under the state water pollution control revolving fund
8 program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and
9 conditions established by the Board of Water and Natural Resources.

10 Section 13. There is hereby appropriated from administrative expense surcharge fees
11 deposited in the South Dakota state drinking water revolving fund program subfund established
12 pursuant to § 46A-1-60.1, the sum one hundred fifty thousand dollars (\$150,000), or so much
13 thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the
14 purpose of contracting for the preparation of applications and administration of drinking water
15 state revolving fund loans under the state drinking water revolving fund program established
16 pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established
17 by the Board of Water and Natural Resources.

18 Section 14. There is hereby appropriated from federal funds deposited in the South Dakota
19 state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the
20 sum of one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary,
21 to the South Dakota Board of Water and Natural Resources for the purpose of providing small
22 system technical assistance set-aside grants to project sponsors under the state drinking water
23 revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided
24 according to terms and conditions established by the Board of Water and Natural Resources.

1 Section 15. Whereas, this Act is necessary for the support of the state government and its
2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
3 full force and effect from and after its passage and approval.