

2021 South Dakota Legislature

House Bill 1259**AMENDMENT 1259F FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 An Act to ~~create the rural access infrastructure fund, to provide for the use and~~
2 ~~distribution of the fund,~~ make an appropriation for rural access infrastructure
3 improvements and to declare an emergency.

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

5 **Section 1.** That a NEW SECTION be added:

6 **31-34-1. Definition.**

7 For the purposes of this Act, the term, small structure, means any small bridge or
8 culvert with an opening of sixteen square feet or more located on a township road or
9 county secondary road, excluding bridges as defined in § 31-14-1.

10 **Section 2.** That a NEW SECTION be added:

11 **31-34-2. Rural access infrastructure program—Distribution.**

12 Before August first of 2021, the Department of Revenue shall distribute the sum of
13 three million dollars on a pro rata basis to each county for the purpose of planning and
14 completing an inventory of small structures as prescribed by the Department of
15 Transportation. Before August first of each year for two years, starting in 2022, the
16 Department of Revenue shall distribute the sum of three million dollars to each county
17 based on the allocation calculated in accordance with this section for the purposes
18 described in § 31-34-3. Each county's allocated percentage is calculated by using the total
19 number of small structures on township roads and county secondary roads located in a
20 county divided by the sum of all small structures on township roads and county secondary
21 roads in the state as reported to the Department of Transportation, multiplied by one

1 hundred. Each county that receives funds from this rural access infrastructure program
2 shall use the funds in accordance with the provisions of this Act.

3 **Section 3.** That a NEW SECTION be added:

4 **31-34-3. Distribution and use of funds by county.**

5 Each county shall establish a rural access infrastructure fund for the deposit of
6 funds received pursuant to this Act. The funds shall be distributed by the board of county
7 commissioners for only the following expenses:

8 (1) Engineering, hydrological studies, planning, materials, and other costs as
9 necessary to plan for and complete the projects;

10 (2) Construction, rehabilitation, or replacement of small structures located in
11 townships complying with the requirements of this Act;

12 (3) Construction, rehabilitation, or replacement of small structures described in a
13 county highway and bridge improvement plan that are located on county secondary
14 highways.

15 The fund may not be used on no maintenance roads or minimum maintenance
16 roads.

17 **Section 4.** That a NEW SECTION be added:

18 **31-34-4. County rural access infrastructure fund—Application process.**

19 Applications for use of funds allocated pursuant to this Act shall be submitted to
20 the board of county commissioners on or before January fifteenth on forms prescribed by
21 the association of county commissioners. The board of county commissioners shall award
22 the funds no later than March fifteenth. Applications from townships shall be accompanied
23 by a resolution approved by the township board of supervisors authorizing the application
24 and any funding commitments made by the township. The township or county share shall
25 be a minimum of twenty percent of the funds necessary to complete the project.
26 Applications for county secondary highways shall be submitted by the county highway
27 superintendent.

28 **Section 5.** That a NEW SECTION be added:

29 **31-34-5. Rural access infrastructure grants—Criteria.**

30 The board of county commissioners shall, at a minimum, consider the following
31 criteria in awarding rural access infrastructure grants:

- 1 (1) Traffic use of the highway;
 2 (2) Public safety;
 3 (3) Residential, commercial, recreational, and other uses of the highway;
 4 (4) Cost of the project;
 5 (5) Length of detour if the project is not completed;
 6 (6) Number of residences, farms, and ranches served by the project;
 7 (7) Contribution from township or others to the project and ability of township to fund
 8 the project without utilizing the rural access infrastructure fund;
 9 (8) Confirmation the project is not located on a no maintenance or minimum
 10 maintenance road;
 11 (9) Hydrological impact;
 12 (10) If the highway does not terminate into a field entrance, driveway, single residence,
 13 farm, or ranch;
 14 (11) The application, or group of applications, that best serves the citizens of this state;
 15 and
 16 (12) Any other matters deemed applicable by the board of county commissioners.
 17 The decisions of the county commissioner shall be final and nonappealable.
 18 However, a denied application may be submitted in a subsequent year.

19 **Section 6.** That a NEW SECTION be added:

20 **31-34-6. Rural access infrastructure funds—Requirements for use.**

21 A requesting township shall timely file the township small structure improvement
 22 plan pursuant to § 31-34-7 with the county highway superintendent and an annual report
 23 pursuant to § 8-10-30 in order to be eligible for the funds. Any township requesting use
 24 of rural access infrastructure funds pursuant to this Act shall meet at least one of the
 25 following requirements:

- 26 (1) Impose an annual property tax levy of fifty cents per thousand pursuant to § 10-
 27 12-28.2; or
 28 (2) Impose a tax levy opt out pursuant to § 10-13-36.

29 **Section 7.** That a NEW SECTION be added:

30 **31-34-7. Rural access infrastructure funds—Requirements for use**

31 To be eligible to receive funding from the rural access infrastructure fund
 32 established under this Act, a township shall, each year by November fifteenth, submit to
 33 the county that township is located in, a small structure improvement plan and any

1 updates shall be made in accordance with this section. The township road small structure
2 plan shall include:

3 (1) One or more maps showing the location of all small structures within the township;

4 (2) The location, width, and length of each small structure;

5 (3) A report on the condition of each small structure;

6 (4) Whether the small structure is posted for load capacity, and if so, what the posted
7 limit is;

8 (5) A list of all projects proposed to be undertaken by the township over the next five
9 years including the location of the project, type of project, source of funding for
10 the project, estimated cost of the project, and the year the project is proposed to
11 be completed; and

12 (6) Such additional items as may be prescribed by the Department of Transportation

13 **Section 8.** That a NEW SECTION be added:

14 **31-34-8. County rural access infrastructure funds--Use**

15 The county commission may use rural access infrastructure funds for the
16 construction, rehabilitation, or replacement of small structures on county secondary
17 highways so long as such projects are considered in a similar manner as the small
18 structures that are located within an organized township.

19 **Section 9.** There is hereby appropriated from the general fund the sum of \$9,000,000 to the
20 Department of Revenue for the purpose of distribution to county rural access infrastructure
21 funds.

22 **Section 10.** The commissioner of the Department of Revenue shall approve vouchers and
23 the state auditor shall draw warrants to pay expenditures authorized by this Act.

24 **Section 11.** Any amounts appropriated in this Act not lawfully expended or obligated shall
25 revert in accordance with the procedures prescribed in chapter 4-8.

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