



2022 South Dakota Legislature

House Bill 1070

Introduced by: **Representative Finck**

1 **An Act to clarify certain provisions of the rural access infrastructure improvements**
 2 **grant program.**

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

4 **Section 1. That § 31-34-2 be AMENDED:**

5 **31-34-2.** Before August 1, 2021, the Department of Revenue shall distribute the
 6 sum of three million dollars on a pro rata basis to each county for the purpose of planning
 7 and completing an inventory of small structures as prescribed by the Department of
 8 Transportation. Before August 1, 2022, the Department of Revenue shall distribute a
 9 portion of the sum of three million dollars to each county based on the allocation calculated
 10 in accordance with this section for the purposes described in § 31-34-3. Each county's
 11 allocated percentage is calculated by using the total number of small structures on
 12 township roads and county secondary roads located in a county divided by the sum of all
 13 small structures on township roads and county secondary roads in the state as reported
 14 to the Department of Transportation, multiplied by one hundred. Each county that receives
 15 funds moneys from this rural access infrastructure program shall use the funds moneys
 16 in accordance with the provisions of this chapter.

17 **Section 2. That § 31-34-3 be AMENDED:**

18 **31-34-3.** Each county shall establish a rural access infrastructure fund for the
 19 deposit of funds moneys received pursuant to this chapter. ~~The funds shall be distributed~~
 20 ~~by the board of county commissioners~~ board of county commissioners may only distribute
 21 fund moneys for ~~only~~ the following expenses:
 22 (1) Engineering, hydrological studies, planning, materials, and other costs as
 23 necessary to plan for and complete the projects;
 24 (2) Construction, rehabilitation, or replacement of small structures located in
 25 townships complying with the requirements of this chapter;

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

4 ~~The fund moneys~~ may not be used on no maintenance roads or minimum
5 maintenance roads.

6 Moneys not obligated or spent from a county's fund may be used for the expenses
7 until reverted pursuant to § 4-8-21. Moneys may only be used for the expenses of those
8 small structures inventoried with the department, as referenced in § 31-34-2, by June
9 first of the preceding fiscal year.

10 **Section 3. That § 31-34-4 be AMENDED:**

11 **31-34-4.** Applications for use of ~~funds~~ moneys allocated to a fund pursuant to this
12 chapter ~~shall must~~ be submitted to the board of county commissioners on or before
13 ~~January fifteenth~~ October thirty-first on forms prescribed by the association of county
14 commissioners. The board of county commissioners shall award the ~~funds~~ moneys no later
15 than ~~March~~ the immediately following January fifteenth.

16 Applications from townships ~~shall must~~ be accompanied by a resolution approved
17 by the township board of supervisors authorizing the application and any funding
18 commitments made by the township. The township or county share ~~shall be~~ is a minimum
19 of twenty percent of the ~~funds~~ sum necessary to complete the project.

20 Applications for county secondary highways ~~shall must~~ be submitted by the county
21 highway superintendent.

22 **Section 4. That § 31-34-6 be AMENDED:**

23 **31-34-6.** A requesting township shall timely file the township small structure
24 improvement plan pursuant to § 31-34-7 with the county highway superintendent and an
25 annual report pursuant to § 8-10-30 in order to be eligible for the funds. Any township
26 requesting use of rural access infrastructure ~~funds~~ moneys pursuant to this chapter shall
27 meet at least one of the following requirements:

- 28 (1) Impose an annual property tax levy of fifty cents per thousand pursuant to § 10-
29 12-28.2; or
30 (2) Impose a tax levy opt out pursuant to § 10-13-36.

31 **Section 5. That § 31-34-7 be AMENDED:**

- 1 **31-34-7.** To be eligible to receive funding from the rural access infrastructure fund
2 established under this chapter, a township shall, each year by ~~November fifteenth~~ August
3 thirty-first, submit to the county that township is located in, a township small structure
4 improvement plan and any updates shall be made in accordance with this section. The
5 township small structure improvement plan shall include:
- 6 (1) One or more maps showing the location of all small structures within the township;
 - 7 (2) The location, width, and length of each small structure;
 - 8 (3) A report on the condition of each small structure;
 - 9 (4) Whether the small structure is posted for load capacity, and if so, what the posted
10 ~~limit is~~ limits are;
 - 11 (5) A list of all small structure improvement projects proposed to be undertaken by
12 the township over the next five years including the location of the project, type of
13 project, source of funding for the project, estimated cost of the project, and the
14 year the project is proposed to be completed; and
 - 15 (6) Such additional items as may be prescribed by the Department of Transportation.