

Committee: Senate State Affairs

Monday, February 07, 2022 10:00 AM

Roll Call

Present: Sen. Schoenbeck, Sen. Duhamel, Sen. Crabtree, Sen. Duvall,  
Sen. Schoenfish, Sen. Rohl, Sen. Heinert, Sen. Diedrich, and Sen. Cammack

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Cammack**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 04<sup>TH</sup>**

Moved by: Diedrich  
Second by: Crabtree  
Action: Prevailed by voice vote

**SB 62 : make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.**

Presented by: Hunter Roberts, Department of Agriculture and Natural Resources  
Proponents: Lindsey Riter-Rapp, South Dakota Association of Rural Water Systems, Madison  
Julie M Johnson, WEB Water, Aberdeen  
Angela Ehlers, SD Association of Conservation Districts, Pierre  
Eric Erickson, South Dakota Municipal League, Fort Pierre  
Paul Lepisto, South Dakota Division of the Izaak Walton League of America, McCook Lake  
Samuel J Nelson, Economic Development Professionals Association, Mitchell  
Clint Powell, self  
Jay Phillip Gilbertson, East Dakota Water Development District, Brookings  
Opponents: Brian Burge, self, Beresford

**MOTION: AMEND SB 62**

62B

On page 1, line 8, of the Introduced bill, delete " Board of Water and Natural Resources" and insert " board"

On page 1, after line 11, of the Introduced bill, insert: "

**Section 3.** To be eligible for funding, projects must go through the department and board's existing funding process, including being listed on the state water plan. The following criteria must be used to determine funding for eligible projects derived from this Act:

(1) Eligible applicants will receive a minimum of a thirty percent grant award subject to the following limitations. The grant award amount will be limited to a per person project cost based on the population served by the system or municipality, using the 2020 federal census numbers or system service numbers, as determined by the board. The grant limit will apply to each applicant, regardless of the total project cost or the number of projects seeking funding, and will be determined as follows:

(a) Systems or municipalities with service populations of up to one thousand may receive up to an eighty percent grant with a maximum total project

- cost for determining the grant amount limited to nine thousand dollars per person per applicant for all eligible projects considered for grants;
- (b) Systems or municipalities with service populations up to two thousand five hundred may receive up to a fifty percent grant with a maximum total project cost for determining the grant amount limited to seven thousand dollars per person per applicant for all eligible projects considered for grants; and
- (c) Systems or municipalities with service populations above two thousand five hundred may receive a thirty percent grant with a maximum total project cost for determining the grant amount limited to three thousand dollars per person per applicant for all eligible projects considered for grants.
- (2) If an applicant uses local America Rescue Plan Act funds towards the project, those funds will be matched with state grant funds up to a maximum of five million dollars per municipality or system. Funds provided by the board under this section are not considered as part of the grant limits in subdivision (1) of this section;
- (3) The grant limit in subdivision (1) of this section may be exceeded by up to an additional five percent if the board determines that an applicant currently has average per month user rates, or will have average per month user rates upon project completion, that are higher than the following applicable user rate targets:
- (a) Fifty-five dollars for five thousand gallons for water or sewer for municipal users; or
- (b) Seventy-five dollars for seven thousand gallons for water or sewer for non-municipal users.
- (4) Projects addressing regionalization, system consolidation, regionalization and consolidation, environment and health regulatory compliance issues, drought resiliency, water availability, nonpoint source improvements, or other significant environmental issues may receive funding above the grant limits in this Act. The department will evaluate projects and make recommendations to the board for funding based on merits and positive long-term impacts of the project; and
- (5) Eligible engineering studies for projects that contend with long term drought resiliency, drinking water availability issues, or water or wastewater regionalization projects may be awarded a grant up to one hundred percent of study cost.
- If the board determines that the average user rate of the system or municipality will be below the user rate targets in subdivision (3) of this section, the grant percentage may be less. The board has discretion to not fund lake dredging and projects that deter cost effective regionalization. "

On page 1, line 12, of the Introduced bill, delete "Department of Agriculture and Natural Resources " and insert " department "

On page 1, after line 16, of the Introduced bill, insert: "

**Section 6. "**

On page 1, line 17, of the Introduced bill, after "4-8. " insert " This Act shall be repealed on July 1, 2027."

Moved by: Schoenbeck  
 Second by: Duhamel  
 Action: Prevailed by voice vote

**MOTION: REFER SB 62 TO JOINT COMMITTEE ON APPROPRIATIONS AS AMENDED DO PASS**

Moved by: Schoenbeck  
 Second by: Duhamel

Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Diedrich, and Cammack

Voting No: Heinert

**SB 85 : create the ARPA water and environment fund, create a subfund, to make an appropriation therefor, and to declare an emergency.**

Presented by: Senator Helene Duhamel, District 32

Proponents: Cheryl Chapman, self, Rapid City  
Teresa Hall, Western Dakota Regional Water Systems, self, New Underwood  
Travis Kettner, self, Hill City  
Steve Allender, City of Rapid City, Rapid City  
Corey Cherne, self, Bismark North Dakota  
Anna Hays, self, Rapid City  
Rebecca M. Terk, Rapid Creek Watershed Action, Rapid City  
Gary Drewes, Pennington County Board of Commissioners, self, Rapid City

**MOTION: TO TABLE SB 85**

Moved by: Schoenbeck

Second by: Heinert

Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, Diedrich, and Cammack

**SB 50 : make an appropriation for water, wastewater and storm water projects throughout state government, and to declare an emergency.**

Presented by: Scott W. Bollinger, Bureau of Administration

**MOTION: REFER SB 50 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS**

Moved by: Crabtree

Second by: Rohl

Action: Prevailed by Majority Members Present (9-0-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, Diedrich, and Cammack

**MOTION: ADJOURN**

Moved by: Duvall

Second by: Rohl

Action: Prevailed by voice vote

Lorna Shell, Committee Secretary

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/s/ GARY L. CAMMACK

Gary L. Cammack, Chair