



2022 South Dakota Legislature
House Bill 1070
ENROLLED

AN ACT

ENTITLED An Act to clarify certain provisions of the rural access infrastructure improvements grant program.

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

Section 1. That § 31-34-2 be AMENDED:

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

Section 2. That § 31-34-3 be AMENDED:

31-34-3. Each county shall establish a rural access infrastructure fund for the deposit of moneys received pursuant to this chapter. The board of county commissioners may only distribute fund moneys for the following expenses:

- (1) Engineering, hydrological studies, planning, materials, and other costs as necessary to plan for and complete the projects;
- (2) Construction, rehabilitation, or replacement of small structures located in townships complying with the requirements of this chapter;

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

The moneys may not be used on no maintenance roads or minimum maintenance roads.

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

Section 3. That § 31-34-4 be AMENDED:

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

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

Applications for county secondary highways must be submitted by the county highway superintendent.

Section 4. That § 31-34-6 be AMENDED:

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

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

Section 5. That § 31-34-7 be AMENDED:

31-34-7. To be eligible to receive funding from the rural access infrastructure fund established under this chapter, a township shall, each year by August thirty-first, submit to the county that township is located in, a township small structure improvement plan and any updates shall be made in accordance with this section. The township small structure improvement plan shall include:

- (1) One or more maps showing the location of all small structures within the township;
- (2) The location, width, and length of each small structure;
- (3) A report on the condition of each small structure;
- (4) Whether the small structure is posted for load capacity, and if so, what the posted limits are;
- (5) A list of all small structure improvement projects proposed to be undertaken by the township over the next five years including the location of the project, type of project, source of funding for the project, estimated cost of the project, and the year the project is proposed to be completed; and
- (6) Such additional items as may be prescribed by the Department of Transportation.

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I certify that the attached Act originated in
the:
House as Bill No. 1070

Received at this Executive Office
this ____ day of _____,
2022 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1070
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State