2026 South Dakota Legislature

Senate Bill 236

Introduced by: ***Senator*** *Rohl*

An Act to create the county and township infrastructure fund for the accounting, safekeeping, and allocation of unobligated rural access infrastructure fund moneys.

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

Section 1. 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; and

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

The moneys may not be used on a~~ no maintenance~~ no-maintenance road.

~~Moneys received under this chapter must be obligated or spent by the county before the end of the 2029 fiscal year. All other unobligated or unspent moneys may be used for 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~~ On June thirtieth of each odd-numbered year, beginning in 2029, the county auditor shall transfer any unexpended moneys, not contractually obligated and approved under this chapter, to the state treasurer for deposit in the county and township infrastructure fund, created in section 2 of this Act.

Section 2. That a NEW SECTION be added to chapter 32-11:

Underscores indicate new language.
~~Overstrikes~~ indicate deleted language.

There is created in the state treasury the county and township infrastructure fund. The fund consists of unobligated moneys transferred pursuant to § 31-34-3. Expenditures from the fund must be budgeted through the general appropriation bill. The Department of Revenue shall administer the fund. The purpose of the fund is to:

(1) Provide for the distribution of moneys to counties, in accordance with § 31-34-2, for:

  (a) Allocation to rural access distribution funds; and

  (b) Payment of expenses associated with the small structures inventoried with the department; and

(2) Provide for the accounting and safekeeping of unobligated or unspent moneys distributed to rural access distribution funds, as provided in chapter 31-34.