

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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SENATE BILL NO. 68

Introduced by: The Committee on Appropriations at the request of the Office of the
Governor

1 FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment
2 fund and its revolving fund subfunds for various water and environmental purposes, to
3 revise solid waste management program recycling provisions, to revise water and
4 environment fund loan terms, and to declare an emergency.

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

6 Section 1. There is hereby appropriated from the South Dakota water and environment fund,
7 established pursuant to § 46A-1-60, the sum of two million thirty-six thousand three hundred
8 seventy-five dollars (\$2,036,375), or so much thereof as may be necessary, to the South Dakota
9 Board of Water and Natural Resources for the purpose of providing a grant to the project
10 sponsors to be used for the engineering design, right-of-way acquisition, preconstruction
11 activities, and construction of the Sioux Falls flood control project as authorized in section 17
12 of chapter 254 of the 1992 Session Laws. Funds shall be provided according to terms and
13 conditions established by the Board of Water and Natural Resources.

14 Section 2. There is hereby appropriated from the South Dakota water and environment fund
15 established pursuant to § 46A-1-60, the sum of seven hundred fifty thousand dollars (\$750,000),



1 or so much thereof as may be necessary, to provide funds to the South Dakota Board of Water
2 and Natural Resources for the purpose of providing a grant to the Department of Environment
3 and Natural Resources for the purpose of contracting for the development of a hydrologic model
4 of the Big Sioux River Basin in eastern South Dakota. Funds shall be provided according to
5 terms and conditions established by the Board of Water and Natural Resources. Notwithstanding
6 § 46A-1-61, the board may provide the grant for up to one hundred percent of the nonfederal
7 share of expenditures for the hydrologic study.

8 Section 3. There is hereby appropriated from the South Dakota water and environment fund
9 established pursuant to § 46A-1-60, the sum of two hundred twenty-five thousand one hundred
10 twenty-five dollars (\$225,125), or so much thereof as may be necessary, to the South Dakota
11 Board of Water and Natural Resources for the purpose of providing a grant to the project
12 sponsors to be used for the feasibility level study update of the Big Sioux flood control study
13 (Watertown and vicinity) to be completed by the United States Army Corps of Engineers. Funds
14 shall be provided according to terms and conditions established by the Board of Water and
15 Natural Resources.

16 Section 4. There is hereby appropriated from the South Dakota water and environment fund
17 established pursuant to § 46A-1-60, the sum of five million two hundred fifty thousand dollars
18 (\$5,250,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
19 Natural Resources for the purpose of providing grants and loans to project sponsors under the
20 consolidated water facilities construction program established pursuant to § 46A-1-63.1. Funds
21 shall be provided according to terms and conditions established by the Board of Water and
22 Natural Resources.

23 Section 5. That § 34A-6-85 be amended to read:

24 34A-6-85. Twenty-five percent of the fees received pursuant to §§ 34A-6-81 and 34A-6-82

1 shall be deposited in the environment and natural resources fee fund established in § 1-40-30
2 and shall be used to defray costs of administering the solid waste management program
3 requirements of chapter 34A-6. All fees received pursuant to §§ 34A-6-83 and 34A-6-84 and
4 seventy-five percent of the fees received pursuant to §§ 34A-6-81 and 34A-6-82 shall be
5 deposited in the water and environment fund established in § 46A-1-60, and their expenditures
6 shall be limited to the solid waste source reduction, recycling, and waste management program
7 established in § 46A-1-83. Grants or loans from the water and environment fund shall be
8 administered by the Board of Water and Natural Resources in accordance with the rules
9 established for solid waste management grants or loans in § 46A-1-84. The board shall offer a
10 grant or loan preference to ~~tire management projects utilizing fees originating pursuant to~~
11 ~~§ 34A-6-83, including waste tire shredding and transporting. The board shall award financial~~
12 ~~assistance to projects for waste tire shredding and transporting until there is capacity in the~~
13 ~~private sector to fully utilize all new waste tires generated in this state on an annual basis.~~
14 ~~Financial assistance for waste tire shredding and transporting may total no more than two~~
15 ~~hundred fifty thousand dollars in any one fiscal year, but such financial assistance may not be~~
16 ~~awarded to any state agency. The board shall offer a grant or loan preference to any municipal~~
17 ~~solid waste landfill facility using volume-based fees reflecting full and true disposal cost. After~~
18 ~~deducting the amounts provided for waste tire activities provided for by this section and § 34A-~~
19 ~~6-85.1, at least fifty percent of the amount remaining from the fees imposed pursuant to §§ 34A-~~
20 ~~6-81 to 34A-6-84, inclusive, shall be awarded as recycling grants or loans projects.~~

21 Section 6. That § 46A-1-67 be amended to read:

22 46A-1-67. Loans from the South Dakota water and environment fund shall be for a term of
23 years established by the ~~conservancy district, board~~ but the term may not exceed seven years for
24 ~~loans for purposes other than actual construction of water resources projects nor forty years for~~

1 ~~loans for actual~~ construction loans except as provided in § 46A-1-69, the useful life of the
2 equipment for equipment loans, or seven years for loans for other purposes. Loans made for
3 purposes other than construction may, however, be capitalized and refinanced as construction
4 loans when the project proceeds to construction.

5 Section 7. There is hereby appropriated from the South Dakota water and environment fund
6 established pursuant to § 46A-1-60, the sum of two million four hundred thousand dollars
7 (\$2,400,000), or so much thereof that may be necessary, to the South Dakota Board of Water
8 and Natural Resources for the purpose of providing grants and loans to project sponsors under
9 the solid waste management program established pursuant to § 46A-1-83. Funds shall be
10 provided according to the terms and conditions established by the Board of Water and Natural
11 Resources.

12 The Department of Environment and Natural Resources may use up to two hundred fifty
13 thousand dollars of the funds appropriated by this section, to contract for the statewide cleanup
14 of waste tires and solid waste. Notwithstanding § 46A-1-61, the department may fund up to one
15 hundred percent of the nonfederal share of statewide waste tires and solid waste cleanup
16 projects.

17 Section 8. There is hereby appropriated from administrative expense surcharge fees
18 deposited in the South Dakota state water pollution control revolving fund program subfund
19 established pursuant to § 46A-1-60.1, the sum of one million three hundred thousand dollars
20 (\$1,300,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
21 Natural Resources for the purpose of providing water quality grants under the state water
22 pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds shall be
23 provided according to terms and conditions established by the Board of Water and Natural
24 Resources.

1 Section 9. There is hereby appropriated from administrative expense surcharge fees
2 deposited in the South Dakota state water pollution control revolving fund program subfund
3 established pursuant to § 46A-1-60.1, the sum of one hundred fifty thousand dollars (\$150,000),
4 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
5 Resources for the purpose of contracting for the preparation of applications and administration
6 of clean water state revolving fund loans under the state water pollution control revolving fund
7 program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and
8 conditions established by the Board of Water and Natural Resources.

9 Section 10. There is hereby appropriated from administrative expense surcharge fees
10 deposited in the South Dakota state drinking water revolving fund program subfund established
11 pursuant to § 46A-1-60.1, the sum of fifty thousand dollars (\$50,000), or so much thereof as
12 may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose
13 of contracting for the preparation of applications and administration of drinking water state
14 revolving fund loans under the state drinking water revolving fund program established pursuant
15 to § 46A-1-60.1. Funds shall be provided according to terms and conditions established by the
16 Board of Water and Natural Resources.

17 Section 11. There is hereby appropriated from federal funds deposited in the South Dakota
18 state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the
19 sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary,
20 to the South Dakota Board of Water and Natural Resources for the purpose of providing small
21 system technical assistance set-aside grants to project sponsors under the state drinking water
22 revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided
23 according to terms and conditions established by the Board of Water and Natural Resources.

24 Section 12. There is hereby appropriated from federal subsidy payments deposited in the

1 South Dakota state water pollution control revolving fund program subfund established pursuant
2 to § 46A-1-60.1, the sum of two million seven hundred fifty thousand dollars (\$2,750,000), or
3 so much thereof as may be necessary, to the South Dakota Board of Water and Natural
4 Resources for the purpose of providing wastewater grants under the state water pollution control
5 revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided
6 according to terms and conditions established by the Board of Water and Natural Resources.

7 Section 13. There is hereby appropriated from federal subsidy payments deposited in the
8 South Dakota state drinking water revolving fund program subfund established pursuant to
9 § 46A-1-60.1, the sum of one million two hundred fifty thousand dollars (\$1,250,000), or so
10 much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources
11 for the purpose of providing grants for the construction of drinking water facilities under the
12 state drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds shall
13 be provided according to terms and conditions established by the Board of Water and Natural
14 Resources.

15 Section 14. The secretary of environment and natural resources shall approve vouchers and
16 the state auditor shall draw warrants to pay expenditures authorized by this Act.

17 Section 15. Any amounts appropriated in this Act not lawfully expended or obligated shall
18 revert in accordance with the procedures prescribed in chapter 4-8.

19 Section 16. Whereas, this Act is necessary for the support of the state government and its
20 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
21 full force and effect from and after its passage and approval.