

2020 South Dakota Legislature

Senate Bill 144**AMENDMENT 144H FOR THE HOUSE BILL**

1 **An Act to create the road improvement priority fund, provide for the distribution of**
2 **the fund, make an appropriation, and to declare an emergency.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **32-11-40. Definitions.**

6 Terms used in this Act mean:

- 7 (1) "County population," the population of the county based on the most recent
8 estimate available from the U.S. Census Bureau;
- 9 (2) "Population adjustment factor," if the county population is:
10 (a) Greater than one hundred and fifty thousand, it equals 0.65;
11 (b) Less than one hundred and fifty thousand and greater than or equal to one
12 hundred thousand, it equals 0.70;
13 (c) Less than one hundred thousand and greater than or equal to fifty thousand,
14 it equals 0.80;
15 (d) Less than fifty thousand and greater than twenty-five thousand, it equals
16 0.90; and
17 (e) Less than twenty-five thousand, it equals 1.0;
- 18 (3) "Adjusted total population," the total population of all counties after applying the
19 population adjustment factor;
- 20 (4) "Surface type adjustment factor," equals 0.50 for gravel, 0.15 for asphalt, 0.15 for
21 graded, 0.10 for concrete, 0.05 for unimproved, and 0.05 for primitive;
- 22 (5) "County road miles by surface type," the total number of miles corresponding to
23 gravel, asphalt, graded, concrete, unimproved, and primitive roads within a county
24 as identified by the Department of Transportation;
- 25 (6) "Deck area," equals the total square feet of any bridge, within a county as identified
26 by the Department of Transportation;

1 (7) "Adjusted total county road miles," the sum of all county road miles in all counties
2 in the state after applying the surface type adjustment factor to each type of road
3 surface.

4 **Section 2.** That a NEW SECTION be added:

5 **32-11-41. Road improvement priority fund--Creation--Funding.**

6 There is hereby created in the state treasury the road improvement priority fund.
7 Any general funds appropriated to the road improvement priority program shall be
8 transferred into the road improvement priority fund. Interest on the money in the fund
9 shall be deposited into the fund.

10 **Section 3.** That a NEW SECTION be added:

11 **32-11-42. Road improvement priority fund--Calculation--Distribution.**

12 The Department of Revenue shall distribute the initial amount appropriated to the
13 road improvement priority fund to the counties within ten days of the appropriation being
14 made, with each county receiving an amount equivalent to the county population
15 multiplied by the county's countywide per capita impact as reported by the Federal
16 Emergency Management Agency in its preliminary damage assessment report entitled
17 FEMA-4440-DR for the major disaster declared for this state on June 7, 2019. If the
18 amount available for distribution under this paragraph is insufficient to make the required
19 distributions to the counties, then each county's distribution shall be reduced ratably. If
20 the amount available for distribution under this paragraph is either insufficient or more
21 than sufficient to make the required distributions to the counties, then each county's
22 distribution shall be reduced or increased ratably, as the case may be.

23 ~~On July first of each year~~Beginning on July 1, 2021, the Department of Revenue
24 shall distribute the balance of the road improvement priority fund to the counties based
25 on the calculated percent for each county, which is equal to the sum of:

26 (1) The value of the county population multiplied by the population adjustment factor
27 divided by the adjusted total population multiplied by thirty-three and one-third
28 percent;

29 (2) The value of county road miles by surface type multiplied by the corresponding
30 surface type adjustment factor divided by the adjusted total county road miles
31 multiplied by thirty-three and one-third percent; and

32 (3) The value of the deck area of the county divided by the total combined deck area
33 of all counties multiplied by thirty-three and one-third percent.

1 A county receiving a distribution under this section shall utilize five percent of the
2 distribution on roads within all organized townships, if any, within that county.

3 **Section 4.** There is hereby appropriated from the general fund the sum of ten million dollars
4 (\$10,000,000), or so much thereof as may be necessary, to the road improvement priority
5 fund, for purposes of providing road funding to counties to improve the current conditions of
6 roads in South Dakota.

7 **Section 5.** The secretary of the Department of Revenue shall approve vouchers and the state
8 auditor shall draw warrants to pay expenditures authorized by this Act.

9 **Section 6.** Any amounts appropriated in this Act not lawfully expended or obligated by June
10 30, 2021 shall revert in accordance with the procedures prescribed in chapter 4-8.

11 **Section 7.** Whereas, this Act is necessary for the support of the state government and its
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
13 full force and effect from and after its passage and approval.