

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0220

## SENATE BILL NO. 186

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

1 FOR AN ACT ENTITLED, An Act to appropriate funds from the water and environment fund  
2 and the environment and natural resources fee fund and to declare an emergency.

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

4 Section 1. There is hereby appropriated from the South Dakota water and environment fund  
5 established pursuant to § 46A-1-60, the sum of four million five hundred thousand dollars  
6 (\$4,500,000), or so much thereof as may be necessary, to the South Dakota Conservancy  
7 District for the purpose of providing grants and loans to project sponsors under the consolidated  
8 water facilities construction program established pursuant to § 46A-1-63.1. Funds shall be  
9 provided according to terms and conditions established by the Board of Water and Natural  
10 Resources.

11 Section 2. There is hereby appropriated from the South Dakota water and environment fund  
12 established pursuant to § 46A-1-60, the sum of one hundred thousand dollars (\$100,000), or so  
13 much thereof as may be necessary to provide funds on a nonreimbursable basis to be used by the  
14 South Dakota Department of Environment and Natural Resources for the purpose of assisting  
15 the South Dakota Conservancy District including providing environmental studies, cost



1 estimates, and a power marketing evaluation for preparing an application for a preliminary permit  
2 and a full permit from the Federal Energy Regulatory Commission for developing Gregory  
3 County pumped storage hydroelectric and multipurpose facility project. Notwithstanding § 46A-  
4 1-61, the department may fund up to one hundred percent of the nonfederal share of these  
5 activities.

6 Section 3. There is hereby appropriated from the South Dakota water and environment fund  
7 established pursuant to § 46A-1-60, the sum of seven hundred fifty thousand dollars (\$750,000),  
8 or so much thereof as may be necessary, to the South Dakota Conservancy District for the  
9 purpose of providing a grant to local project sponsors for the engineering design, preconstruction  
10 activities, and construction of the Lewis and Clark Rural Water System as authorized in § 46A-  
11 1-13.10. Funds shall be used by the project sponsors for activities that qualify as nonfederal  
12 matching requirements as enumerated in P.L. 106-246 as amended to January 1, 2002. Funds  
13 shall be provided according to terms and conditions established by the Board of Water and  
14 Natural Resources.

15 Section 4. There is hereby appropriated from the South Dakota water and environment fund  
16 established pursuant to § 46A-1-60, the sum of two million dollars (\$2,000,000), or so much  
17 thereof as may be necessary, to the South Dakota Conservancy District for the purpose of  
18 providing a grant to the project sponsors to be used for the engineering design, right-of-way  
19 acquisition, preconstruction activities, and construction of the Sioux Falls flood control project  
20 as authorized in § 46A-1-13.7. Funds shall be provided according to terms and conditions  
21 established by the Board of Water and Natural Resources.

22 Section 5. There is hereby appropriated from the South Dakota water and environment fund  
23 established pursuant to § 46A-1-60, the sum of fifteen thousand dollars (\$15,000), or so much  
24 thereof as may be necessary, to the South Dakota Conservancy District for the purpose of

1 providing a loan to local project sponsors to be used to plan and implement the Lake Andes-  
2 Wagner/Marty II research demonstration program as authorized in § 46A-1-13.6. Funds shall  
3 be provided according to terms and conditions established by the Board of Water and Natural  
4 Resources.

5 Section 6. There is hereby appropriated from the South Dakota water and environment fund  
6 established pursuant to § 46A-1-60, the sum of seven hundred fifty thousand dollars (\$750,000),  
7 or so much thereof as may be necessary, to the South Dakota Conservancy District for the  
8 purpose of providing grants and loans to project sponsors under the solid waste management  
9 program established pursuant to § 46A-1-83. Funds shall be provided according to terms and  
10 conditions established by the Board of Water and Natural Resources.

11 Section 7. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota  
12 water and environment fund established pursuant to § 46A-1-60, from fees received pursuant to  
13 §§ 34A-6-81 to 34A-6-84, inclusive, a grant in the sum of one million dollars (\$1,000,000), or  
14 so much thereof as may be necessary, to the South Dakota Department of Environment and  
15 Natural Resources to be used for the statewide cleanup of waste tires and solid waste.  
16 Notwithstanding § 46A-1-61, the department may fund up to one hundred percent of the  
17 nonfederal share of statewide waste tire and solid waste cleanup projects.

18 Section 8. There is hereby appropriated from the South Dakota environment and natural  
19 resources fee fund established pursuant to § 1-40-30, the sum of one hundred fifty thousand  
20 dollars (\$150,000), to the Department of Environment and Natural Resources for the  
21 determination of selected total maximum daily load limits as required pursuant to the 1998 South  
22 Dakota 303(d) waterbody list developed pursuant to the federal Clean Water Act § 303(d) as  
23 amended to January 1, 2002. Any funds appropriated by this section that are not expended for  
24 the authorized purpose shall be deposited in the South Dakota water and environment fund

1 established pursuant to § 46A-1-60.

2 Section 9. Whereas, this Act is necessary for the support of the state government and its  
3 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
4 force and effect from and after its passage and approval.