

AN ACT

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

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

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

Section 2. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of seven hundred fifty thousand dollars (\$750,000), or so much thereof as may be necessary, to provide funds to the South Dakota Board of Water and Natural Resources for the purpose of providing a grant to the Department of Environment and Natural Resources for the purpose of contracting for the development of a hydrologic model of the Big Sioux River Basin in eastern South Dakota. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources. Notwithstanding § 46A-1-61, the board may provide the grant for up to one hundred percent of the nonfederal share of expenditures for the hydrologic study.

Section 3. There is hereby appropriated from the South Dakota water and environment fund

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

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

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

34A-6-85. Twenty-five percent of the fees received pursuant to §§ 34A-6-81 and 34A-6-82 shall be deposited in the environment and natural resources fee fund established in § 1-40-30 and shall be used to defray costs of administering the solid waste management program requirements of chapter 34A-6. All fees received pursuant to §§ 34A-6-83 and 34A-6-84 and seventy-five percent of the fees received pursuant to §§ 34A-6-81 and 34A-6-82 shall be deposited in the water and environment fund established in § 46A-1-60, and their expenditures shall be limited to the solid waste source reduction, recycling, and waste management program established in § 46A-1-83. Grants or loans from the water and environment fund shall be administered by the Board of Water and Natural Resources in accordance with the rules established for solid waste management grants or loans in § 46A-1-84. The board shall offer a grant or loan preference to recycling projects.

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

46A-1-67. Loans from the South Dakota water and environment fund shall be for a term of years established by the board but may not exceed forty years for construction loans except as provided in § 46A-1-69, the useful life of the equipment for equipment loans, or seven years for loans for other purposes. Loans made for purposes other than construction may, however, be capitalized and refinanced as construction loans when the project proceeds to construction.

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

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

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

Section 9. There is hereby appropriated from administrative expense surcharge fees deposited

in the South Dakota state water pollution control revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of contracting for the preparation of applications and administration of clean water state revolving fund loans under the state water pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

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

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

Section 12. There is hereby appropriated from federal subsidy payments deposited in the South Dakota state water pollution control revolving fund program subfund established pursuant to

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

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

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

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

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

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I certify that the attached Act
originated in the
SENATE as Bill No. 68

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 68
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State