

Chapter 106
(Senate Bill 124)

**An Act to revise the eligibility of roads for the rural access
infrastructure fund.**

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

The moneys may not be used on a no maintenance roads or minimum maintenance roads road.

Moneys not obligated or spent from a county's fund may be used for the 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, by June first of the preceding fiscal year.

Section 2. That § 31-34-5 be AMENDED:

31-34-5. The board of county commissioners shall, at a minimum, consider the following criteria in awarding rural access infrastructure grants:

- (1) Traffic use of the highway;
- (2) Public safety;
- (3) Residential, commercial, recreational, and other uses of the highway;
- (4) Cost of the project;
- (5) Length of detour if the project is not completed;
- (6) Number of residences, farms, and ranches served by the project;
- (7) Contribution from the township or others to the project and the ability of the township to fund the project without utilizing the rural access infrastructure fund;
- (8) Confirmation the project is not located on a no maintenance ~~or minimum maintenance~~ road;
- (9) Hydrological impact;
- (10) If the highway does not terminate into a field entrance, driveway, single residence, farm, or ranch;
- (11) The application, or group of applications, that best serves the citizens of this state; and
- (12) Any other matters deemed applicable by the board of county commissioners.

Underscores indicate new language.
Overstrikes indicate deleted language.

The decisions of the county commission—~~shall~~ must be final and nonappealable. However, a denied application may be submitted in a subsequent year.

Signed March 15, 2024
