

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0267

## SENATE BILL NO. 64

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, the water pollution control revolving fund subfund, and the drinking water revolving  
3 fund subfund for various water and environmental purposes, to authorize the construction  
4 and establish the state cost share for the Southern Black Hills Water System, and to declare  
5 an emergency.

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

7 Section 1. There is hereby appropriated from the South Dakota water and environment fund  
8 established pursuant to § 46A-1-60, the sum of six million three hundred thousand dollars  
9 (\$6,300,000), or so much thereof as may be necessary, to the South Dakota Board of Water and  
10 Natural Resources for the purpose of providing a grant to local project sponsors for the  
11 engineering design, preconstruction activities, and construction of the Lewis and Clark rural  
12 water system as authorized in § 46A-1-13.10. Funds shall be used by the project sponsors for  
13 activities that qualify as nonfederal matching requirements as enumerated in P.L. 106-246 as  
14 amended to January 1, 2010. Funds shall be provided according to terms and conditions  
15 established by the Board of Water and Natural Resources.



1 Section 2. There is hereby appropriated from the South Dakota water and environment fund  
2 established pursuant to § 46A-1-60, the sum of three hundred fifty thousand dollars (\$350,000),  
3 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural  
4 Resources for the purpose of providing grants to local project sponsors for the engineering  
5 design, preconstruction activities, and construction of the facilities included in the Southern  
6 Black Hills Water System as authorized by section 3 of this Act. Funds shall be provided  
7 according to terms and conditions established by the Board of Water and Natural Resources.

8 Section 3. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 Pursuant to §§ 46A-1-11 to 46A-1-13, inclusive, construction of a seventy-seven million  
11 eight hundred thousand dollar Southern Black Hills Water System as generally described in the  
12 report "Southern Black Hills Water System Preliminary Engineering Report", dated February,  
13 2005, is hereby authorized for the purposes of providing safe and adequate municipal, rural, and  
14 industrial water supplies in the counties of Custer, Fall River, and Pennington.

15 There is hereby authorized from the South Dakota water and environment fund established  
16 pursuant to § 46A-1-60, a grant in the amount of twelve million dollars, or so much thereof as  
17 may be necessary, to provide the State of South Dakota's portion of the nonfederal matching  
18 requirement for the Southern Black Hills Water System. No disbursements may be made under  
19 the grant authorized by this section unless funds are appropriated by the Legislature in  
20 conformance with § 46A-1-61. Funds appropriated for the Southern Black Hills Water System  
21 since January 1, 2006, shall be considered as part of the State of South Dakota's portion of the  
22 match requirement. Grant terms and conditions shall be set by the Board of Water and Natural  
23 Resources.

24 Section 4. There is hereby appropriated from the South Dakota water and environment fund

1 established pursuant to § 46A-1-60, the sum of three million two hundred twenty-five thousand  
2 dollars (\$3,225,000), or so much thereof as may be necessary, to the South Dakota Board of  
3 Water and Natural Resources for the purpose of providing grants and loans to project sponsors  
4 under the consolidated water facilities construction program established pursuant to § 46A-1-  
5 63.1. Funds shall be provided according to terms and conditions established by the Board of  
6 Water and Natural Resources.

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

13 Section 6. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota  
14 water and environment fund established pursuant to § 46A-1-60, from the fees received pursuant  
15 to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of one million four hundred thousand dollars  
16 (\$1,400,000), or so much thereof as may be necessary, to the South Dakota Board of Water and  
17 Natural Resources for the purpose of providing grants and loans to project sponsors for the  
18 construction, remediation, enlargement, closure, or upgrade of regional landfills. Funds shall  
19 be provided according to the terms and conditions established by the Board of Water and  
20 Natural Resources. Notwithstanding § 46A-1-67, the term of years for loans under this section  
21 may be extended to the useful life of the facilities being financed.

22 The department may use up to five hundred thousand dollars of the funds appropriated by  
23 this section, to contract for the statewide cleanup of waste tires and solid waste.  
24 Notwithstanding § 46A-1-61, the department may fund up to one hundred percent of the

1 nonfederal share of statewide waste tires and solid waste cleanup projects.

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

10 Section 8. There is hereby appropriated from administrative expense surcharge fees  
11 deposited in the South Dakota state water pollution control revolving fund program subfund  
12 established pursuant to § 46A-1-60.1, the sum of two hundred fifty thousand dollars (\$250,000),  
13 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural  
14 Resources for the purpose of contracting for the preparation of applications and administration  
15 of clean water state revolving fund loans under the state water pollution control revolving fund  
16 program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and  
17 conditions established by the Board of Water and Natural Resources.

18 Section 9. There is hereby appropriated from administrative expense surcharge fees  
19 deposited in the South Dakota state drinking water revolving fund program subfund established  
20 pursuant to § 46A-1-60.1, the sum of two hundred fifty thousand dollars (\$250,000), or so much  
21 thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the  
22 purpose of contracting for the preparation of applications and administration of drinking water  
23 state revolving fund loans under the state drinking water revolving fund program established  
24 pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established

1 by the Board of Water and Natural Resources.

2 Section 10. There is hereby appropriated from federal funds deposited in the South Dakota  
3 state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the  
4 sum of two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be  
5 necessary, to the South Dakota Board of Water and Natural Resources for the purpose of  
6 providing small system technical assistance set-aside grants to project sponsors under the state  
7 drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds shall be  
8 provided according to terms and conditions established by the Board of Water and Natural  
9 Resources.

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