

AN ACT

ENTITLED, An Act to make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes 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 six million three hundred thousand dollars (\$6,300,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing a grant to local project sponsors for the engineering design, preconstruction activities, and construction of the Lewis and Clark rural water system as authorized in § 46A-1-13.10. Funds shall be used by the project sponsors for activities that qualify as nonfederal matching requirements as enumerated in P.L. 106-246 as amended to January 1, 2009. 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 three hundred fifty thousand dollars (\$350,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing grants to local project sponsors for the engineering design, preconstruction activities, and construction of the facilities included in the Southern Black Hills Water System. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 3. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of sixty-five thousand dollars (\$65,000), 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 local project sponsors for the Black Hills hydrology and water management study as authorized in § 46A-1-13.8. 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 thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing a loan to the project sponsors to be used to implement the Lake Andes-Wagner/Marty II research demonstration program as authorized by section 14 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 5. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of two million dollars (\$2,000,000), 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 6. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of one million two hundred fifty thousand dollars (\$1,250,000), 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 board may use up to twenty-five thousands dollars (\$25,000) of the funds appropriated by this section to contract for services to process and review loan applications as authorized under chapter 46A-1.

Section 7. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, from the fees received pursuant to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of one million five hundred thousand dollars (\$1,500,000), 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 for the construction, remediation, enlargement, closure, or upgrade of regional landfills. Funds shall be provided according to the terms and conditions established by the Board of Water and Natural Resources. Notwithstanding § 46A-1-67, the term of years for loans under this section may be extended to the useful life of the facilities being financed. The department may use up to fifty thousand dollars (\$50,000) 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 five hundred seventy-five thousand dollars (\$1,575,000), 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 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 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 sixty thousand dollars (\$160,000), 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. That § 46A-1-95 be amended to read as follows:

46A-1-95. The state clean lakes program, the nonpoint source program, water quality monitoring program, and wetlands grant program are established. All federal pass-through grant funds, not to exceed six million dollars annually, received for use in the programs are hereby continuously appropriated to the secretary of the Department of Environment and Natural Resources. Money

received for these programs may be used only for purposes authorized by the federal Clean Water Act as amended to January 1, 2009, and shall be provided according to the terms and conditions established by the secretary.

Section 13. In accordance with § 46A-1-64, the Legislature hereby authorizes the Board of Water and Natural Resources to provide grant funding from the South Dakota water and environment fund, under the consolidated water facilities construction program established in § 46A-1-63.1, in amounts not to exceed two million dollars (\$2,000,000) to the Mid-Dakota Rural Water System, for the expansion of its water treatment and distribution system. Funds shall be provided according to the terms and conditions established by the Board of Water and Natural Resources.

Section 14. 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

HOUSE as Bill No. 1238

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1238
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