

2024 South Dakota Legislature

Senate Bill 134**AMENDMENT 134E
FOR THE JOINT APPROPRIATIONS ENGROSSED BILL**

1 **An Act to make an appropriation to create the healthy forest critical infrastructure**
2 **relief and grant program 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 the sum of ~~-\$1~~ \$6,000,000 in federal fund
5 expenditure authority, for the expenditure of State Fiscal Recovery Fund moneys authorized
6 by the American Rescue Plan Act, to the Department of Agriculture and Natural Resources for
7 creating and administering the healthy forest critical infrastructure relief and grant program.
8 Eligible infrastructure entities may apply for either relief from financial losses incurred on or
9 after January 1, 2020, or a grant to prevent potential financial losses.

10 **Section 2.** For the purposes of this Act, the term "eligible infrastructure entity" means:

- 11 (1) An entity participating in landscape-scale treatment to private, state, or federal
12 lands within the Black Hills at risk from insect epidemics and wildfire by removing
13 timber and offsetting the cost of removal through commercial products; or
14 (2) An entity converting raw timber, or byproducts of raw timber, into a commercial
15 product for sale and the entity's use and sale of the products offset the cost of
16 treating private, state, and federal lands within the Black Hills.

17 No eligible entity may receive more than fifty percent of the amount appropriated under
18 section 1 of this Act.

19 **Section 3.** To be eligible for receiving relief under this Act, an eligible infrastructure entity
20 must provide the following to the Department of Agriculture and Natural Resources as part of
21 its application:

- 22 (1) Sufficient evidence of losses incurred in any calendar year from 2020 onward;
23 (2) Sufficient evidence the losses were incurred while operating an eligible
24 infrastructure entity;
25 (3) Sufficient evidence work was conducted, during the period for which relief is
26 requested, to provide treatment to private, state, or federal lands within the Black

- 1 Hills, or to convert raw timber, or byproducts of raw timber, into a commercial
2 product for sale; and
3 (4) Sufficient evidence of ownership and operation of infrastructure in the state.

4 **Section 4.** To be eligible for receiving a grant under this Act, an eligible infrastructure entity
5 must provide the following to the Department of Agriculture and Natural Resources as part of
6 its application:

- 7 (1) Sufficient evidence of need, including documentation showing how the entity's
8 continuing viability has been or will be negatively impacted by reductions to the
9 National Forest Service's timber sale program related to the COVID-19 pandemic;
10 (2) Sufficient evidence of the entity's ability to achieve financial stability as a going
11 concern, if requested moneys are granted, within two years of the application date;
12 (3) Sufficient evidence any granted moneys will maintain critical infrastructure and
13 workers used to treat private, state, and federal lands within the Black Hills or used
14 to convert raw timber, or byproducts of raw timber, into a commercial product for
15 sale; and
16 (4) A statement of need describing how much is being requested in grant moneys and
17 how the moneys will be utilized to support critical infrastructure and workers.

18 **Section 5.** The Department of Agriculture and Natural Resources shall provide relief and
19 grants to eligible infrastructure entities based on their submitted evidence. Until all
20 appropriated moneys have been expended, the department shall report annually to the
21 Legislature by January seventh on:

- 22 (1) The amount of moneys granted in the past year;
23 (2) The amount of moneys expended by recipients in the past year;
24 (3) The name of each recipient of moneys to date; and
25 (4) The uses for which each recipient has expended moneys to date.

26 **Section 6.** The Department of Agriculture and Natural Resources and grant subrecipients
27 shall comply with all federal guidance on using State Fiscal Recovery Fund moneys. ~~If, during~~
28 ~~the implementation of this Act, the United States Department of the Treasury determines the~~
29 ~~program is an ineligible use of State Fiscal Recovery Fund moneys, the moneys described in~~
30 ~~section 1 of this Act are thereby re-appropriated to the Board of Water and Natural Resources~~
31 ~~for providing grants, according to terms and conditions established by the board, for eligible~~
32 ~~water and wastewater projects previously awarded State Fiscal Recovery Fund moneys.~~

1 **Section 7.** The secretary of the Department of Agriculture and Natural Resources shall
2 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized
3 by this Act.

4 **Section 8.** Any amounts appropriated in this Act not lawfully expended or obligated by
5 December 31, 2026, shall revert in accordance with the procedures prescribed in chapter 4-
6 8.

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