



2022 South Dakota Legislature

House Bill 1257

HOUSE APPROPRIATIONS ENGROSSED

Introduced by: **Representative Dennert**

1 **An Act to establish a fund to assist counties with paying infrastructure expenditures**
 2 **and to declare an emergency.**

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

4 **Section 1. That chapter 10-1 be amended with a NEW SECTION:**

5 Terms used in this Act mean:

6 (1) "County population," the population of the county based on the most recent
 7 estimate available from the U.S. Census Bureau;

8 (2) "Population adjustment factor," if the county population is:

9 (a) Greater than one hundred and fifty thousand, it equals 0.65;

10 (b) Less than one hundred and fifty thousand and greater than or equal to one
 11 hundred thousand, it equals 0.70;

12 (c) Less than one hundred thousand and greater than or equal to fifty thousand,
 13 it equals 0.80;

14 (d) Less than fifty thousand and greater than twenty-five thousand, it equals
 15 0.90; and

16 (e) Less than twenty-five thousand, it equals 1.0;

17 (3) "Adjusted total population," the total population of all counties after applying the
 18 population adjustment factor;

19 (4) "Surface type adjustment factor," equals 0.50 for gravel, 0.15 for asphalt, 0.15 for
 20 graded, 0.10 for concrete, 0.05 for unimproved, and 0.05 for primitive;

21 (5) "County road miles by surface type," the total number of miles corresponding to
 22 gravel, asphalt, graded, concrete, unimproved, and primitive roads within a county
 23 as identified by the Department of Transportation;

24 (6) "Deck area," equals the total square feet of any bridge, within a county as identified
 25 by the Department of Transportation;

1 (7) "Adjusted total county road miles," the sum of all county road miles in all counties
2 in the state after applying the surface type adjustment factor to each type of road
3 surface;

4 (8) "County revenue allotment," five and five-tenths percent of the monthly revenue
5 received as a result of taxes imposed in chapters 10-45 and 10-46.

6 **Section 2. That chapter 10-1 be amended with a NEW SECTION:**

7 There is established in the state treasury a special county capital improvement
8 fund for each county in the state. On a monthly basis, the Department of Revenue shall
9 distribute the county revenue allotment among all the special county capital improvement
10 funds proportionally, based on the calculated percent for each county, which is equal to
11 the sum of:

12 (1) The value of the county population multiplied by the population adjustment factor
13 divided by the adjusted total population multiplied by thirty-three and one-third
14 percent;

15 (2) The value of county road miles by surface type multiplied by the corresponding
16 surface type adjustment factor divided by the adjusted total county road miles
17 multiplied by thirty-three and one-third percent; and

18 (3) The value of the deck area of the county divided by the total combined deck area
19 of all counties multiplied by thirty-three and one-third percent.

20 The Department of Revenue shall deposit the moneys in the fund to the county
21 entitled thereto within thirty days of receipt after accounting for any refunds made. The
22 county, through its board of county commissioners, may use the moneys from the fund
23 for the purpose of repairing or improving roads, or acquiring, constructing, renovating, or
24 replacing a building or structure described in §§ 7-25-1 and 7-25-3, law enforcement, the
25 operation of jails, or a facility designed to reduce jail incarceration.

26 The secretary of the Department of Revenue shall keep full and accurate records
27 of the revenue credited and distributed pursuant to this section.

28 **Section 3.** There is hereby appropriated from the general fund a sum of \$20,000,000 to the
29 Department of Revenue for the purposes described in section 2 of this Act.

30 **Section 4.** The secretary of revenue shall approve vouchers and the state auditor shall draw
31 warrants to pay expenditures authorized by this Act.

1 **Section 5.** Any amounts appropriated in this Act not lawfully expended or obligated shall
2 revert in accordance with the procedures prescribed in chapter 4-8.

3 **Section 6.** Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.