

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, to authorize the construction and establish the state cost share for the Southern Black Hills Water System, 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, 2010. 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 as authorized by section 3 of this Act. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

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

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

There is hereby authorized from the South Dakota water and environment fund established pursuant to § 46A-1-60, a grant in the amount of twelve million dollars, or so much thereof as may be necessary, to provide the State of South Dakota's portion of the nonfederal matching requirement for the Southern Black Hills Water System. No disbursements may be made under the grant authorized by this section unless funds are appropriated by the Legislature in conformance with § 46A-1-61. Funds appropriated for the Southern Black Hills Water System since January 1, 2006, shall be considered as part of the State of South Dakota's portion of the match requirement. Grant terms and conditions shall be set 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 three million two hundred twenty-five thousand dollars (\$3,225,000), 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 5. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing a grants and loans to project sponsors under the solid waste management program

established pursuant to § 46A-1-83. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 6. 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 four hundred thousand dollars (\$1,400,000), 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 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 five hundred thousand dollars 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 7. 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 one hundred fifty thousand dollars (\$1,150,000), 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 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 two hundred fifty thousand dollars (\$250,000), 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 9. 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 of two hundred fifty thousand dollars (\$250,000), 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 10. 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 two hundred seventy-five thousand dollars (\$275,000), 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 11. 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

SENATE as Bill No. 64

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 64  
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