



2021 South Dakota Legislature

House Bill 1259

Introduced by: **Representative Finck**

1 **An Act to create the rural access infrastructure fund, to provide for the use and**
 2 **distribution of the fund, make an appropriation, and to declare an emergency.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **31-34-1. Definition.**

6 For the purposes of this Act, the term, small structure, means any small bridge or
 7 culvert with an opening of sixteen square feet or more.

8 **Section 2.** That a NEW SECTION be added:

9 **31-34-2. Rural access infrastructure fund.**

10 There is hereby created in the state treasury the rural access infrastructure fund.
 11 Any general funds appropriated to the rural access infrastructure program shall be
 12 transferred into the rural access infrastructure fund. Interest on the money in the fund
 13 shall be deposited into the fund.

14 **Section 3.** That a NEW SECTION be added:

15 **31-34-3. Rural access infrastructure fund--Distribution to counties.**

16 Before August first of each year for three years, starting in 2021, the Department
 17 of Revenue shall distribute the sum of three million dollars of the rural access
 18 infrastructure fund to each county based on the calculated allocation as follows:

<u>County</u>	<u>% Allocation</u>
19 <u>Aurora</u>	<u>0.8978%</u>
20 <u>Beadle</u>	<u>1.5275%</u>
21 <u>Bennett</u>	<u>0.3350%</u>
22 <u>Bon Homme</u>	<u>0.3350%</u>
23 <u>Brookings</u>	<u>2.8273%</u>

1	<u>Brown</u>	<u>1.5543%</u>
2	<u>Brule</u>	<u>0.3350%</u>
3	<u>Buffalo</u>	<u>0.3350%</u>
4	<u>Butte</u>	<u>2.8273%</u>
5	<u>Campbell</u>	<u>0.3350%</u>
6	<u>Charles Mix</u>	<u>2.1573%</u>
7	<u>Clark</u>	<u>0.5360%</u>
8	<u>Clay</u>	<u>1.9831%</u>
9	<u>Codington</u>	<u>1.6481%</u>
10	<u>Corson</u>	<u>1.0586%</u>
11	<u>Custer</u>	<u>1.1792%</u>
12	<u>Davison</u>	<u>0.7638%</u>
13	<u>Day</u>	<u>1.5007%</u>
14	<u>Deuel</u>	<u>3.0819%</u>
15	<u>Dewey</u>	<u>0.3350%</u>
16	<u>Douglas</u>	<u>0.9112%</u>
17	<u>Edmunds</u>	<u>1.5543%</u>
18	<u>Fall River</u>	<u>0.5896%</u>
19	<u>Faulk</u>	<u>0.3350%</u>
20	<u>Grant</u>	<u>3.4035%</u>
21	<u>Gregory</u>	<u>1.2059%</u>
22	<u>Haakon</u>	<u>0.3350%</u>
23	<u>Hamlin</u>	<u>2.0367%</u>
24	<u>Hand</u>	<u>2.7201%</u>
25	<u>Hanson</u>	<u>0.6432%</u>
26	<u>Harding</u>	<u>1.6615%</u>
27	<u>Hughes</u>	<u>0.7638%</u>
28	<u>Hutchinson</u>	<u>4.4352%</u>
29	<u>Hyde</u>	<u>0.7906%</u>
30	<u>Jackson</u>	<u>0.3350%</u>
31	<u>Jerauld</u>	<u>1.7687%</u>
32	<u>Jones</u>	<u>0.3350%</u>
33	<u>Kingsbury</u>	<u>1.6079%</u>
34	<u>Lake</u>	<u>2.3449%</u>
35	<u>Lawrence</u>	<u>0.6700%</u>

1	<u>Lincoln</u>	<u>4.7166%</u>
2	<u>Lyman</u>	<u>1.1658%</u>
3	<u>Marshall</u>	<u>1.4739%</u>
4	<u>McCook</u>	<u>3.5643%</u>
5	<u>McPherson</u>	<u>0.4556%</u>
6	<u>Meade</u>	<u>0.9112%</u>
7	<u>Mellette</u>	<u>0.3350%</u>
8	<u>Miner</u>	<u>3.2293%</u>
9	<u>Minnehaha</u>	<u>5.3598%</u>
10	<u>Moody</u>	<u>1.5811%</u>
11	<u>Oglala Lakota</u>	<u>0.3350%</u>
12	<u>Pennington</u>	<u>2.3583%</u>
13	<u>Perkins</u>	<u>0.6566%</u>
14	<u>Potter</u>	<u>0.3618%</u>
15	<u>Roberts</u>	<u>3.0149%</u>
16	<u>Sanborn</u>	<u>1.4069%</u>
17	<u>Spink</u>	<u>0.3618%</u>
18	<u>Stanley</u>	<u>0.3350%</u>
19	<u>Sully</u>	<u>0.3350%</u>
20	<u>Todd</u>	<u>0.3350%</u>
21	<u>Tripp</u>	<u>0.5762%</u>
22	<u>Turner</u>	<u>4.1270%</u>
23	<u>Union</u>	<u>1.5543%</u>
24	<u>Walworth</u>	<u>0.3350%</u>
25	<u>Yankton</u>	<u>5.6680%</u>
26	<u>Ziebach</u>	<u>1.4471%</u>

27 A county receiving a distribution under this section shall utilize five percent of the
28 distribution on roads within any organized township in that county.

29 **Section 4.** That a NEW SECTION be added:

30 **31-34-4. Rural access infrastructure fund--Formula for distribution of**
31 **balance of fund.**

32 Before August first of each year, beginning in 2024, the Department of Revenue
33 shall distribute the balance of the rural access infrastructure fund to each county based
34 on the allocation calculated in accordance with § 31-34-3. This percentage is calculated

1 by using the total number of small structures in a county divided by the sum of all small
2 structures in the state, multiplied by one hundred. Each county that receives funds from
3 the rural access infrastructure program shall use the funds in accordance with the
4 provisions of this Act.

5 **Section 5.** That a NEW SECTION be added:

6 **31-34-5. Deposit of excess funds into state highway fund.**

7 The total amount allowed to be held by the county is equal to four times the current
8 amount being distributed. If the annual distribution received would cause any county's
9 rural access infrastructure fund to exceed the maximum amount allowed, the excess shall
10 be deposited into the state highway fund.

11 **Section 6.** That a NEW SECTION be added:

12 **31-34-6. Distribution and use of funds by county.**

13 Each county shall establish a rural access infrastructure fund for the deposit of
14 funds received pursuant to this Act. The funds shall be distributed by the board of county
15 commissioners for only the following expenses:

- 16 (1) Construction or replacement of small structures located in townships complying
17 with the requirements of this Act;
18 (2) Construction or replacement of small structures described in a county highway and
19 bridge improvement plan that are located on county secondary highways; and
20 (3) Engineering, hydrological studies, planning, materials, and other costs as
21 necessary to complete the projects.

22 **Section 7.** That a NEW SECTION be added:

23 **31-34-7. Rural access infrastructure fund--Application process.**

24 Applications for use of rural access infrastructure funds shall be submitted to the
25 board of county commissioners on or before July fifteenth on forms prescribed by the
26 association of county commissioners. The board of county commissioners shall approve
27 disbursement of the funds no later than September first. Applications from townships shall
28 be accompanied by a resolution approved by the township board of supervisors authorizing
29 the application and any funding commitments made by the township. The township share
30 shall be a minimum of twenty percent of the funds. Applications for county secondary
31 highways shall be submitted by the county highway superintendent.

Section 8. That a NEW SECTION be added:

31-34-8. Rural access infrastructure grants--Criteria.

The board of county commissioners shall consider the following criteria in awarding rural access infrastructure grants:

- (1) Traffic use of the highway;
- (2) Public safety;
- (3) Residential, commercial, recreational, and other uses of the highway;
- (4) Cost of the project;
- (5) Length of detour if the project is not completed;
- (6) Number of residences, farms, and ranches served by the project;
- (7) Contribution from township or others to the project;
- (8) If the project is located on a fully maintained road;
- (9) If the highway does not terminate into a field entrance, driveway, single residence, farm, or ranch;
- (10) The application, or group of applications, that best serves the citizens of this state; and
- (11) Any other matters deemed applicable by the board of county commissioners.

Section 9. That a NEW SECTION be added:

31-34-9. Rural access infrastructure funds--Requirements for use.

A requesting township shall timely file the township small structure improvement plan pursuant to § 31-34-10 with the county highway superintendent in order to be eligible for the funds. Any township requesting use of rural access infrastructure funds pursuant to this Act shall meet at least one of the following requirements:

- (1) Impose an annual property tax levy of fifty cents per thousand pursuant to § 10-12-28.2;
- (2) Impose an annual tax levy of five thousand dollars or more; or
- (3) Impose a tax levy opt out pursuant to § 10-13-36.

Section 10. That a NEW SECTION be added:

31-34-10. Township small structure improvement plan.

To be eligible to receive funding from the rural access infrastructure fund established under this Act, a township shall, each year by July fifteenth, submit to the county that township is located in, a small structure improvement plan and any updates

shall be made in accordance with this section. The secondary road small structure improvement plan shall include:

- (1) One or more maps showing the location of all small structures within the township;
- (2) The location, width, and length of each small structure;
- (3) A report on the condition of each small structure;
- (4) Whether the small structure is posted for load capacity, and if so, what the posted limit is; and
- (5) A list of all projects proposed to be undertaken by the township over the next five years including the location of the project, type of project, source of funding for the project, estimated cost of the project, and the year the project is proposed to be completed.

Section 11. That a NEW SECTION be added:

31-34-11. Rural access infrastructure funds--Use.

The county commission may use rural access infrastructure funds for the replacement or repair of small structures on county secondary highways so long as such projects are considered in a similar manner as the small structures that are located within an organized township.

Section 12. The state treasurer shall transfer from the general fund the sum of \$9,000,000 to the rural access infrastructure fund, for purposes of providing for the construction or replacement of any small structures located on the township highways and county secondary highways in South Dakota.

Section 13. There is hereby appropriated the sum of \$9,000,000 in other fund expenditure authority to the Department of Revenue to distribute the calculation as provided by section 3 of this Act.

Section 14. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2022, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 15. 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.