

AN ACT

ENTITLED, An Act to create the clean air act settlement fund, to make an appropriation from the fund, and to declare an emergency.

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

Section 1. That the code be amended by adding a NEW SECTION to read:

Terms used in this Act mean:

- (1) "Board," the Board of Minerals and Environment;
- (2) "Clean air act settlement fund," South Dakota's share of the mitigation fund as a designated state beneficiary;
- (3) "Department," the Department of Environment and Natural Resources;
- (4) "Mitigation fund," the Volkswagen Diesel Emissions Environmental Mitigation Trust administered by Wilmington Trust, N.A., the Trustee, which the United States District Court for the Northern District of California in the case of IN RE: VOLKSWAGEN "CLEAN DIESEL" MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION, Case No: MDL No. 2672 CRB (JSC) ordered to be created as part of Volkswagen Corporation's settlement with the United States and the State of California, the funds in which are to be used by states to reduce nitrogen oxide air emissions from mobile sources;
- (5) "Secretary," the secretary of the Department of Environment and Natural Resources.

Section 2. That the code be amended by adding a NEW SECTION to read:

Any funds received by the state from the mitigation fund shall be deposited into the clean air act settlement fund that is hereby created. The funds shall be administered by the secretary for the purpose of facilitating the improvement and protection of the ambient air quality throughout the state by reducing nitrogen oxide air emissions from mobile sources pursuant to a beneficiary mitigation

plan developed by the department and approved by the board. The department's administrative costs of implementing the mitigation fund will be paid from the clean air act settlement fund through the air quality subfund established in § 34A-1-59. Any interest earned on the clean air act settlement fund shall be returned to the mitigation fund.

Section 3. There is hereby appropriated from the clean air act settlement fund the sum of eight million one hundred twenty-five thousand dollars (\$8,125,000), or so much thereof as may be necessary, in other fund expenditure authority to the Department of Environment and Natural Resources for the purpose of issuing grants to eligible recipients for the reduction of nitrogen oxide air emissions from mobile sources throughout the state.

Section 4. The secretary of environment and natural resources shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2028, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 6. 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.

An Act to create the clean air act settlement fund, to make an appropriation from the fund, and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1258

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. 1258
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