

AN ACT

ENTITLED, An Act to repeal certain provisions regarding the transfer of funds from the regulated substance response fund and to make an appropriation to the fund.

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

Section 1. That § 34A-12-3.2 be repealed.

Section 2. There is hereby appropriated from the environment and natural resources fee fund established pursuant to § 1-40-30, the sum of five hundred sixty-seven thousand seventy-two dollars (\$567,072), to the regulated substance response fund created pursuant to § 34A-12-3, to be expended for the purposes provided for in chapter 34A-12.

Section 3. That § 34A-12-4 be amended to read as follows:

34A-12-4. When necessary in the performance of the secretary's duties under §§ 23A-27-25, 34A-1-39, 34A-2-75, 34A-6-1.4, 34A-6-1.31, 34A-11-9, 34A-11-10, 34A-11-12, 34A-11-14, 34A-12-1 to 34A-12-15, inclusive, 38-20A-9, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68 and Title 34A relative to discharges, the secretary may expend funds from the response fund to provide for the costs of investigations, emergency remedial efforts, corrective actions, and managerial or administrative activities associated with such activities. The secretary's use of the response fund shall be based upon the following:

- (1) In the case of an investigation, when the secretary determines that a discharge requiring an emergency remedial effort may have occurred and that the general operating budget of the department for such purposes is not adequate to cover the costs of the necessary investigatory activities;
- (2) In the case of an emergency remedial effort, when the secretary determines that a discharge has occurred and that corrective actions shall be immediately undertaken to protect an imminent threat to the public health or safety or to contain a discharge which, if not immediately contained, shall in time pose a significantly greater threat to public

health or safety or to the environment of this state than if such action is not immediately taken;

- (3) In the case of a discharge not of an emergency nature when the secretary determines that a discharge has occurred, that a responsible party or liability fund capable of performing the corrective actions either cannot be identified or refuses to undertake corrective actions, and that corrective actions shall be undertaken to protect the public health, safety, welfare, or environment of the state.

An Act to repeal certain provisions regarding the transfer of funds from the regulated substance response fund and to make an appropriation to the fund.

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I certify that the attached Act originated in the

SENATE as Bill No. 38

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. 38
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State