

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

400B0339

## HOUSE BILL NO. 1258

Introduced by: The Committee on Appropriations at the request of the Department of  
Environment and Natural Resources

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

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

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

5 Terms used in this Act mean:

6 (1) "Board," the Board of Minerals and Environment;

7 (2) "Clean air act settlement fund," South Dakota's share of the mitigation fund as a  
8 designated state beneficiary;

9 (3) "Department," the Department of Environment and Natural Resources;

10 (4) "Mitigation fund," the Volkswagen Diesel Emissions Environmental Mitigation Trust  
11 administered by Wilmington Trust, N.A., the Trustee, which the United States  
12 District Court for the Northern District of California in the case of IN RE:  
13 VOLKSWAGEN "CLEAN DIESEL" MARKETING, SALES PRACTICES, AND  
14 PRODUCTS LIABILITY LITIGATION, Case No: MDL No. 2672 CRB (JSC)  
15 ordered to be created as part of Volkswagen Corporation's settlement with the United



1 States and the State of California, the funds in which are to be used by states to  
2 reduce nitrogen oxide air emissions from mobile sources;

3 (5) "Secretary," the secretary of the Department of Environment and Natural Resources.

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

5 Any funds received by the state from the mitigation fund shall be deposited into the clean  
6 air act settlement fund that is hereby created. The funds shall be administered by the secretary  
7 for the purpose of facilitating the improvement and protection of the ambient air quality  
8 throughout the state by reducing nitrogen oxide air emissions from mobile sources pursuant to  
9 a beneficiary mitigation plan developed by the department and approved by the board. The  
10 department's administrative costs of implementing the mitigation fund will be paid from the  
11 clean air act settlement fund through the air quality subfund established in § 34A-1-59. Any  
12 interest earned on the clean air act settlement fund shall be returned to the mitigation fund.

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

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

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

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