

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

368T0574

## HOUSE BILL NO. 1206

Introduced by: Representatives Blake, Boomgarden, Brunner, Elliott, Fargen, Gibson, Greenfield, Hickey, Hunhoff (Bernie), Jones, Kirschman, Lucas, Magstadt, Sly, Street, and Wismer and Senators Buhl, Adelstein, Bradford, Krebs, Maher, Peters, Sutton, and Tieszen

1 FOR AN ACT ENTITLED, An Act to make an appropriation for Feeding South Dakota and to  
2 repeal the sales tax on food refund program.

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

4 Section 1. Any money remaining from the appropriation made in section 3 chapter 140 of  
5 the 2009 Session Laws shall be reappropriated to the Department of Social Services for a grant  
6 to Feeding South Dakota for the purpose of emergency food assistance.

7 Section 2. The secretary of the Department of Social Services shall approve vouchers and  
8 the state auditor shall draw warrants to pay expenditures authorized by this Act.

9 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated, shall  
10 revert in accordance with chapter 4-8.

11 Section 4. That § 28-1-70 be repealed.

12 ~~— 28-1-70. There is established the sales tax on food refund program to be administered by the~~  
13 ~~Department of Social Services. The purpose of the program is to provide sales tax refunds on~~  
14 ~~food for purchases made in accordance with chapters 10-45 and 10-46 to South Dakota families~~



1 who need it most.

2 Section 5. That § 28-1-71 be repealed.

3 ~~28-1-71. To be eligible for the sales tax on food refund program, a person shall:~~

4 ~~(1) Be a South Dakota resident;~~

5 ~~(2) Be the head of the household and certify the number of persons in the household;~~

6 ~~(3) Have countable income above one hundred thirty percent and below one hundred~~  
7 ~~fifty-one percent of the federal poverty level, as updated annually by the Department~~

8 ~~of Social Services in administrative rules promulgated pursuant to chapter 1-26;~~

9 ~~(4) Not be a current recipient of supplemental nutrition assistance program benefits.~~

10 Section 6. That § 28-1-72 be repealed.

11 ~~28-1-72. The Department of Social Services shall promulgate rules, pursuant to chapter 1-~~  
12 ~~26, relating to:~~

13 ~~(1) Eligibility criteria;~~

14 ~~(2) Refund amounts or levels;~~

15 ~~(3) Payment provisions;~~

16 ~~(4) Household reporting requirements; and~~

17 ~~(5) Recoveries.~~

18 Section 7. That § 28-1-73 be repealed.

19 ~~28-1-73. To receive sales tax on food refunds pursuant to §§ 28-1-70 to 28-1-77, inclusive,~~  
20 ~~a household shall apply for an annual refund during an annual enrollment period on forms~~  
21 ~~prescribed by the Department of Social Services.~~

22 Section 8. That § 28-1-75 be repealed.

23 ~~28-1-75. The estimate of sales tax on food paid or refund awarded under this program shall~~  
24 ~~be determined based on:~~

1 ~~— (1) — The thrifty food plan as adopted and updated annually in administrative rules~~  
2 ~~promulgated by the Department of Social Services pursuant to chapter 1-26; and~~

3 ~~— (2) — The number of individuals in the household.~~

4 ~~— A monthly allotment shall be determined based on the thrifty food plan's maximum~~  
5 ~~allotment and the corresponding number of individuals in the household. Once the monthly~~  
6 ~~allotment is determined, it shall be annualized and multiplied by the average sales tax rate in~~  
7 ~~South Dakota as determined by the Department of Revenue. This shall be the annual level of~~  
8 ~~refund eligible for the household.~~

9 Section 9. That § 28-1-77 be repealed.

10 ~~— 28-1-77. The method of payment utilized to make payments authorized by §§ 28-1-70 to 28-~~  
11 ~~1-77, inclusive, shall be made by warrant.~~