

Committee: House Committee on Appropriations Tuesday, February 23, 2021 10:30 AM

Roll Call

Present: Rep. Duba, Rep. Gross, Rep. Haugaard, Rep. Mulally, Rep. Fitzgerald,
Rep. May, and Rep. Karr

Excused: Rep. Mills and Rep. Howard

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Karr

HB 1255 : create the South Dakota forever trust fund, to provide for the transfer of certain unobligated cash balances, to transfer moneys thereto, and to declare an emergency.

Proponents: Representative Chris Karr
Representative Scott Odenbach
Representative Rhonda Milstead

Opponents: Derek Johnson, Bureau of Finance and Management

MOTION: AMEND HB 1255

1255B

On page 1, line 13, of the Introduced bill, after "sixteen." insert " The state investment officer shall calculate an amount equal to four percent of the market value, without invading principal, as eligible for distribution. For the purpose of this section, the term, principal, means the sum of all contributions to the fund."

On page 1, line 14, of the Introduced bill, delete "that " and insert "the distribution "

Moved by: Mulally

Second by: Duba

Action: Prevailed by voice vote

MOTION: DO PASS HB 1255 AS AMENDED

Moved by: Gross

Second by: Fitzgerald

Action: Prevailed by Majority Members Elect (7-1-1-0)

Voting Yes: Gross, Haugaard, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

Excused: Mills

HJR 5005 : Proposing and submitting to the voters at the 2022 general election a new section to Article XII of the Constitution of the State of South Dakota, relating to the creation and administration of the South Dakota forever trust fund.

Proponents: Representative Chris Karr

Opponents: Mark Quasney, Bureau of Finance of Management, Pierre, South Dakota

MOTION: DO PASS HJR 5005

Moved by: Howard
 Second by: Fitzgerald
 Action: Prevailed by Majority Members Elect (7-1-1-0)

Voting Yes: Gross, Haugaard, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

Excused: Mills

HB 1165 : create the trust fund for unclaimed property and to provide for the transfer of certain unobligated cash balances.

Proponents: Representative Taffy Howard
 Josh Haeder- South Dakota Treasure
 Opponents: Mark Quasney, Bureau of Finance of Management, Pierre, South Dakota

MOTION: AMEND HB 1165

1165D

On page 1, line 15, of the Introduced bill, after "dollars." insert " After the transfer to the general fund, the state treasurer shall transfer any remaining amount to the trust fund for unclaimed property."

On page 1, line 19, of the Introduced bill, after "sixteen. " insert "The state investment officer shall calculate an amount equal to four percent of the market value, without invading principal, as eligible for distribution. For the purpose of this section, the term, principal, means the sum of all contributions to the fund. "

On page 1, line 19, of the Introduced bill, delete "that " and insert "the distribution "

On page 1, line 23, of the Introduced bill, after "Dakota." delete "Section 2. That § 4-7-31 be AMENDED.

"

On page 2, line 1, of the Introduced bill, after "AMENDED." delete "4-7-31. "

On page 2, line 1, of the Introduced bill, after "4-7-31. " delete "Budget reserve fund established."

On page 2, line 1, of the Introduced bill, after "established." delete "

There is hereby established within the state treasury the budget reserve fund. Expenditures out of the budget reserve fund shall only be by special appropriation of the Legislature and shall only redress such unforeseen expenditure obligations or such unforeseen revenue shortfalls as may constitute an emergency pursuant to S. D. Const. , Art. III, § 1."

On page 2, line 7, of the Introduced bill, after "1." delete "Section 3. That § 4-7-32 be AMENDED.

"

On page 2, line 8, of the Introduced bill, after "AMENDED." delete "4-7-32. "

On page 2, line 8, of the Introduced bill, after "4-7-32. " delete "Transfer of unobligated cash to budget reserve fund--Legislative action required for reserve fund expenditures."

On page 2, line 9, of the Introduced bill, after "expenditures." delete "

The transfer of all prior year unobligated cash shall take place in accordance with this section as follows:

- (1) On July first of each fiscal year or at such time that as the prior fiscal year general fund ending unobligated cash balance is determined, the commissioner of the Bureau of Finance and Management shall transfer all prior year unobligated cash up to an amount equal to equaling ten percent of the general fund appropriations from the general appropriation act for the prior fiscal year into the budget reserve fund. In no event shall the The cash balance in the budget reserve fund be greater than may not exceed

ten percent of the general fund appropriations from the general appropriation act for the prior fiscal year;

- (2) If any unobligated cash balance remains after the requirements of subdivision (1) are met, the commissioner of the Bureau of Finance and Management shall transfer that balance, up to an amount equaling fifteen percent of the general fund appropriations from the general appropriation act for the prior fiscal year, into the trust fund for unclaimed property; and
- (3) If any unobligated cash balance remains after the requirements of subdivision (2) are met, the commissioner of the Bureau of Finance and Management shall transfer the remaining amount into the general revenue replacement fund.

Expenditures out of the budget reserve fund shall only be by special appropriation of the Legislature and shall only redress such unforeseen expenditure obligations or such unforeseen revenue shortfalls as may constitute an emergency pursuant to S. D. Const. , Art. III, § 1."

On page 2, line 32, of the Introduced bill, after "§ 1." delete "Section 4. That § 4-7-39 be REPEALED. 4-7-39. "

On page 2, line 33, of the Introduced bill, after "4-7-39. " delete "Transfer of unobligated cash to general revenue replacement fund."

Moved by: Karr
Second by: Gross
Action: Prevailed by voice vote

MOTION: DO PASS HB 1165 AS AMENDED

Moved by: Gross
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HJR 5004 : Proposing and submitting to the voters at the 2022 primary election a new section to Article XII of the Constitution of the State of South Dakota, relating to the creation and administration of a trust fund using the net receipts from unclaimed property.

Proponents: Josh Haeder- South Dakota Treasure
Representative Taffy Howard
Opponents: Mark Quasney, Bureau of Finance of Management, Pierre, South Dakota

MOTION: DO PASS HJR 5004

Moved by: Gross
Second by: May
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HB 1166 : make an appropriation to enhance South Dakota and to declare an emergency.

MOTION: DO PASS HB 1166

Moved by: Howard
Second by: Haugaard
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1167 : make an appropriation to improve South Dakota and to declare an emergency.

MOTION: DO PASS HB 1167

Moved by: Howard
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1168 : make an appropriation to provide for the development of South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1168

Moved by: Howard
Second by: Duba
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1169 : make an appropriation for the benefit of South Dakota and to declare an emergency.

MOTION: DO PASS HB 1169

Moved by: Howard
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1171 : make an appropriation to promote South Dakota and to declare an emergency.

MOTION: DO PASS HB 1171

Moved by: Howard
Second by: Mulally
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1172 : make an appropriation for the wellness of South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1172

Moved by: Howard
Second by: Haugaard
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1173 : make an appropriation to improve healthcare in South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1173

Moved by: Howard
Second by: May
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1174 : make an appropriation to enhance education in South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1174

Moved by: Howard
Second by: May
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1175 : make an appropriation for infrastructure improvements in South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1175

Moved by: Howard
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1177 : make an appropriation to improve the greatness of South Dakota and to declare an emergency.

MOTION: TO TABLE HB 1177

Moved by: Howard

Second by: Mills
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Duba, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Gross

HB 1019 : make an appropriation to the South Dakota Ellsworth Development Authority and to declare an emergency.

MOTION: DEFER HB 1019 TO THE 41ST LEGISLATIVE DAY

Moved by: Haugaard
Second by: May
Action: Prevailed by Majority Members Elect (7-2-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Fitzgerald, May, and Karr

Voting No: Mulally and Howard

HB 1020 : make an appropriation to continue the veteran's bonus program and to declare an emergency.

MOTION: DO PASS HB 1020

Moved by: Gross
Second by: Duba
Action: Prevailed by Majority Members Elect (7-2-0-0)

Voting Yes: Duba, Gross, Haugaard, Mulally, Fitzgerald, Howard, and Karr

Voting No: Mills and May

HB 1063 : make an appropriation to contract for mental health insurance for certain first responder organizations and to declare an emergency.

MOTION: AMEND HB 1063

1063B

On page 1, line 16, of the House Commerce and Energy bill, after "years." insert "
At the end the contract funded by this appropriation, the South Dakota Firefighters' Association,
Incorporated, or the covered entities, shall be responsible for any financial obligations
for continuing or establishing new coverage for mental health insurance."

On page 1, line 17, of the House Commerce and Energy bill, delete "\$200,000 " and insert "\$150,000
"

Moved by: Mills
Second by: Gross
Action: Prevailed by voice vote

MOTION: DO PASS HB 1063 AS AMENDED

Moved by: Gross
Second by: Mills

Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1064 : make an appropriation for and the establishment of peer support and critical incident stress management training for first responder organizations.

MOTION: AMEND HB 1064

1064A

On page 2, after line 30, of the Introduced bill, insert "

Section 6. There is hereby appropriated from the general fund the sum of \$200,000, to the Department of Public Safety, for the purposes of creating an endowment to provide ongoing monies for the heroes wellness grant, to be called the South Dakota Heroes Wellness endowment, held in trust and vested with the South Dakota Community Foundation, and administered by the Department of Public Safety.

"

On page 2, after line 30, of the Introduced bill, insert "

Section 7. The funds appropriated in section 7 of this Act shall be transferred to the South Dakota Community Foundation to fund the South Dakota Heroes Wellness endowment, to be administered in accordance with the provisions of this Act.

"

On page 2, line 31, of the Introduced bill, delete "\$200,000 " and insert "\$50,000 "

Moved by: Gross

Second by: Mills

Action: Prevailed by voice vote

MOTION: DO PASS HB 1064 AS AMENDED

Moved by: Mills

Second by: Gross

Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1144 : make an appropriation to the Board of Technical Education for a new classroom building and to declare an emergency.

MOTION: TO TABLE HB 1144

Moved by: Mulally

Second by: Mills

Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Gross, Haugaard, Mulally, Fitzgerald, Howard, and Karr

Voting No: Duba, Mills, and May

HB 1151 : create a peer support services program.

MOTION: TO TABLE HB 1151

Moved by: Haugaard
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (7-2-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, and Karr

Voting No: Duba and Howard

HB 1152 : make an appropriation to the Board of Technical Education for a new precision agriculture facility and to declare an emergency.

MOTION: TO TABLE HB 1152

Moved by: Haugaard
Second by: Mulally
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HB 1153 : authorize the Board of Regents to contract for the design and construction of a new dairy research and extension farm on the campus of South Dakota State University, together with equipment and furnishings, to make an appropriation therefor, and to declare an emergency.

MOTION: AMEND HB 1153

1153D

On page 1, line 11, of the House Agriculture and Natural Resources bill, delete "\$7,500,000" and insert "\$1"

On page 1, line 12, of the House Agriculture and Natural Resources bill, delete "\$7,500,000" and insert "\$1"

Moved by: Gross
Second by: Howard
Action: Prevailed by voice vote

MOTION: DO PASS HB 1153 AS AMENDED

Moved by: Gross
Second by: Mills
Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Duba, Gross, Mills, Mulally, Fitzgerald, and May

Voting No: Haugaard, Howard, and Karr

HB 1206 : increase the allowable reimbursement for certain headstones for military personnel.

MOTION: TO TABLE HB 1206

Moved by: Mills
Second by: Gross
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HB 1209 : make an appropriation to the Board of Regents to purchase outstanding debt and to declare an emergency.

MOTION: DEFER HB 1209 TO THE 41ST LEGISLATIVE DAY

Moved by: Haugaard
Second by: Howard
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1221 : provide an appropriation for the commissioning and placement of presidential statues.

MOTION: DEFER HB 1221 TO THE 41ST LEGISLATIVE DAY

Moved by: Mills
Second by: Duba
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1237 : make an appropriation for the purpose of funding county and township roads and bridges and to declare an emergency.

MOTION: DO PASS HB 1237 AS AMENDED

Moved by: Gross
Second by: May
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

HB 1210 : make an appropriation to the Board of Regents to provide grant funding for a new bioproducts facility at the research park in Brookings, and to declare an emergency.

MOTION: AMEND HB 1210

1210A

On page 1, line 5, of the Introduced bill, delete "\$20,000,000" and insert "\$1"

Moved by: Gross
Second by: Mulally
Action: Prevailed by voice vote

MOTION: DO PASS HB 1210 AS AMENDED

Moved by: Gross
Second by: Fitzgerald
Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Duba, Gross, Mills, Mulally, Fitzgerald, and Karr

Voting No: Haugaard, May, and Howard

HB 1240 : make an appropriation for the redesign and renovation of the Berg Agricultural Hall on the campus of South Dakota State University, and to declare an emergency.

MOTION: DEFER HB 1240 TO THE 41ST LEGISLATIVE DAY

Moved by: Mills
Second by: May
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HB 1040 : make an appropriation to fund certain small meat processor grants and to declare an emergency.

Proponents: Brian Birch, Self, Beresford
Representative Caleb Finck
Representative Spencer Gosch

MOTION: AMEND HB 1040

1040A

On page 1, line 11, of the Introduced bill, after "grants" insert " used to reimburse up to fifty percent"
On page 1, line 12, of the Introduced bill, after "grants " insert "of eligible invoices "

Moved by: Gross
Second by: May
Action: Prevailed by voice vote

MOTION: AMEND THE PENDING AMENDMENT

1040B

On the previously adopted amendment (1040A), On page 1, line 4, delete "\$5,000,000" and insert "\$1"

Moved by: Karr
Second by: Gross
Action: Prevailed by voice vote

MOTION: DO PASS HB 1040 AS AMENDED

Moved by: Gross
Second by: Mills
Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Duba, Gross, Mills, Mulally, Fitzgerald, and Karr

Voting No: Haugaard, May, and Howard

MOTION: TO INVOKE RULE 7-1.5. CONSIDERATION OF MATTERS NOT POSTED.

Moved by: Howard
Second by: Haugaard
Action: Prevailed by Two-Thirds Majority (8-1-0-0)

Voting Yes: Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

Voting No: Duba

HB 1134 : make an appropriation to the Board of Regents for improving the National Music Museum at the University of South Dakota and to declare an emergency.

Presented by: Representative Spencer Gosch

MOTION: TO TABLE HB 1134

Moved by: Haugaard
Second by: Howard
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Duba, Gross, Haugaard, Mills, Mulally, Fitzgerald, May, Howard, and Karr

MOTION: ADJOURN

Moved by: Howard
Second by: May
Action: Prevailed by voice vote

David Smith, Committee Secretary

/s/ CHRIS KARR
Chris Karr, Chair