

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

368T0574

SENATE APPROPRIATIONS ENGROSSED NO. **HB 1206** - 2/22/2012

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 emergency food assistance
2 grants and to 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 general funds remaining from the appropriation made in section 3 chapter
5 140 of the 2009 Session Laws shall be reappropriated to the Department of Social Services for
6 grants for the purpose of emergency food assistance. The department shall issue requests for
7 proposals in accordance with chapter 5-18A and may award emergency food assistance grants
8 for a period not to exceed four years. Any grantee awarded funds shall provide a fiscal
9 accounting and program performance data on an annual basis.

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

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



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 That § 28-1-70 be repealed.

2 ~~—28-1-70. There is established the sales tax on food refund program to be administered by the~~
3 ~~Department of Social Services. The purpose of the program is to provide sales tax refunds on~~
4 ~~food for purchases made in accordance with chapters 10-45 and 10-46 to South Dakota families~~
5 ~~who need it most.~~

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 That § 28-1-71 be repealed.

7 ~~—28-1-71. To be eligible for the sales tax on food refund program, a person shall:~~

8 ~~—(1)— Be a South Dakota resident;~~

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

10 ~~—(3)— Have countable income above one hundred thirty percent and below one hundred~~
11 ~~fifty-one percent of the federal poverty level, as updated annually by the Department~~
12 ~~of Social Services in administrative rules promulgated pursuant to chapter 1-26;~~

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

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 That § 28-1-72 be repealed.

15 ~~—28-1-72. The Department of Social Services shall promulgate rules, pursuant to chapter 1-~~
16 ~~26, relating to:~~

17 ~~—(1)— Eligibility criteria;~~

18 ~~—(2)— Refund amounts or levels;~~

19 ~~—(3)— Payment provisions;~~

20 ~~—(4)— Household reporting requirements; and~~

21 ~~—(5)— Recoveries.~~

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

23 ~~—28-1-73. To receive sales tax on food refunds pursuant to §§ 28-1-70 to 28-1-77, inclusive,~~
24 ~~a household shall apply for an annual refund during an annual enrollment period on forms~~

1 ~~prescribed by the Department of Social Services.~~

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

3 ~~—28-1-75. The estimate of sales tax on food paid or refund awarded under this program shall~~
4 ~~be determined based on:~~

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

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

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

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

14 ~~—28-1-77. The method of payment utilized to make payments authorized by §§ 28-1-70 to 28-~~
15 ~~1-77, inclusive, shall be made by warrant.~~