AN ACT

ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2012 and to declare an emergency.

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

Section 1. The funds in section 8 of this Act are provided for the purpose of making a one-time payment to active, permanent employees hired before March 24, 2011, not including the Governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, or public utilities commissioners, for the purpose of encouraging public service and for continued service in the state government workforce. This payment will be made on March 30, 2012, and will be calculated as a percentage of the employees' annualized salary effective as of March 23, 2012. This percentage shall be five percent for an employee hired before March 24, 2009; three and four-tenths percent for an employee hired March 24, 2009 to March 23, 2010, inclusive; and one and seven-tenths percent for an employee hired March 24, 2010 to March 23, 2011, inclusive.

Section 2. For the purposes of this Act, annualized salary means an employee's hourly wage times the number of hours in the fiscal year in which the payment is made times the percent of time the employee is regularly scheduled to work, or the employee's annual salary times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is less than forty-six thousand dollars, the calculation shall be based on forty-six thousand dollars times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is more than one hundred fifty thousand dollars, the calculation shall be based on one hundred fifty thousand dollars times the percent of time the employee is regularly scheduled to work.

Section 3. Any payment pursuant to this Act is not to be considered as part of the employee's base compensation or regular rate of pay, nor is the payment compensation for any past performance

or future action.

Section 4. The amount necessary to fund the one-time payment to employees may be transferred to the appropriate budget units by the Bureau of Finance and Management. If there is not enough funding to provide the required payments to the workforce in place at the time of calculation, the bureau may reduce and prorate the amount of the one-time payments.

Section 5. The funds in section 7 of this Act are provided to enhance the military value of Ellsworth Air Force Base, gain efficiencies for Ellsworth Air Force Base, mitigate encroachment issues, and other actions as necessary to promote and facilitate the retention and possible expansion of Ellsworth Air Force Base.

Section 6. The funds in section 7 of this Act which are unspent at the end of fiscal year 2012 may be carried over to the next fiscal year.

Section 7. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF EXECUTIVE MANAGEMENT

(3) Governor's Office of Economic Development

Operating Expenses, General Funds, delete "$5,829,298" and insert "$6,329,298"

Adjust all totals accordingly.

Section 8. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF EXECUTIVE MANAGEMENT

(17) delete "State Government Energy Program" and insert "Employee Compensation"

Personal Services, General Funds, delete "$0" and insert "$12,296,256"

Personal Services, Federal Funds, delete "$0" and insert "$5,692,174"

Personal Services, Other Funds, delete "$0" and insert "$13,210,064"

Operating Expenses, General Funds, delete "$0" and insert "$193,023"

Adjust all totals accordingly.

Section 9. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF CORRECTIONS

(8) Juvenile Community Corrections

Operating Expenses, General Funds, delete "$11,373,512" and insert "$11,623,005"

Operating Expenses, Federal Funds, delete "$8,150,915" and insert "$8,358,592"

Adjust all totals accordingly.

Section 10. That section 18 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF HUMAN SERVICES

(2) Developmental Disabilities

Operating Expenses, General Funds, delete "$39,928,174" and insert "$41,093,167"

Operating Expenses, Federal Funds, delete "$67,595,659" and insert "$69,208,823"

Adjust all totals accordingly.

Section 11. That section 18 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF HUMAN SERVICES

(4) Rehabilitation Services

Operating Expenses, General Funds, delete "$2,985,153" and insert "$3,052,457"

Operating Expenses, Federal Funds, delete "$11,888,314" and insert "$11,939,743"

Adjust all totals accordingly.

Section 12. That section 21 of chapter 23 of the 2011 Session Laws be amended to read as follows:

UNIFIED JUDICIAL SYSTEM

(2) Unified Judicial System

Operating Expenses, General Funds, delete "$2,367,181" and insert "$2,387,161"

Adjust all totals accordingly.

Section 13. The Department of Social Services shall utilize $4,030,039 in general funds and $4,204,303 in federal fund expenditure authority appropriated in section 8, chapter 23 of the 2011 Session Laws for the purposes of providing a one-time increase to various providers.

Section 14. That section 12 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF EDUCATION

(2A) Nonrecurring State Aid to General Education Formula Allocation

Personal Services	$0	$0	$0	$0
Operating Expenses	$8,689,359	$0	$0	$8,689,359
Total	$8,689,359	$0	$0	$8,689,359
F.T.E.				0.0

The funding appropriated by this subsection shall be distributed to the school districts through the existing distribution formula on a nonrecurring basis.

Adjust all totals accordingly.

Section 15. That section 12 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF EDUCATION

(11) Education Resources

Operating Expenses, General Funds, delete "$4,778,181" and insert "$5,028,181"

Adjust all totals accordingly.

Section 16. That chapter 23 of the 2011 Session Laws be amended by adding thereto a NEW

SECTION to read as follows:

Section 36. The state treasurer shall transfer to the cement plant retirement fund one million dollars ($1,000,000) from the state general fund.

Section 17. The Governor and the Chief Justice shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 18. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise the General Appropriations Act for fiscal year 2012 and to declare an emergency.

I certify that the attached Act originated in the

HOUSE as Bill No. 1137

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1137
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State