



2022 South Dakota Legislature

Senate Resolution 701

Introduced by: **Senator Schoenbeck**

1 **A RESOLUTION, Acknowledging authority to spend federal funds as authorized in**
2 **the general appropriations act for the current fiscal year.**

3 WHEREAS, The general appropriations bill shall embrace nothing but appropriations for
4 ordinary expenses of the executive, legislative, and judicial departments of the state in
5 accordance with S.D. Const., Art. XII, § 2; and

6 WHEREAS, No expenditure of moneys may be made without authority given in
7 appropriation acts in accordance with § 4-8-1; and

8 WHEREAS, The general appropriations bill appropriates state general funds and authorizes
9 the expenditure of federal funds and other funds into two specific categories: personal
10 services and operating expenses; and

11 WHEREAS, The general appropriations bill cannot appropriate federal spending authority
12 for a specific purpose beyond ordinary expenses in accordance with the state constitution and
13 may only authorize federal spending authority; and

14 WHEREAS, The federal government has issued unprecedented amounts of federal stimulus
15 money to the state, its agencies, political subdivisions, tribal governments, and cities; and

16 WHEREAS, Issuance of grants from federal funds is an ordinary expense of state
17 government, in accordance with the state constitution, for the efficient operation of state
18 government to act in a timely manner for the best interests of our citizens; and

19 WHEREAS, Historically and currently, the state has lawfully expended federal funds in
20 accordance with the amount authorized by the general appropriations act for the current fiscal
21 year; and

22 WHEREAS, Historically and currently, the state requests that the Legislature act and
23 approve additional federal and other spending authority if needed:

1 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Seventh Legislature of
2 the State of South Dakota, that the state has the legal authority to expend federal funds up
3 to the amount authorized by the general appropriations act for the current fiscal year; and

4 BE IT FURTHER RESOLVED, that the state is urged and instructed to act in a timely manner
5 for the best interests of our citizens in issuing grants from federal funds in accordance with
6 all applicable federal laws, regulations, and guidance, and provide timely notice to the co-
7 chairs of the Joint Committee on Appropriations of the Legislature; and

8 BE IT FURTHER RESOLVED, that this resolution expires upon the latest date allowed by
9 applicable federal laws, regulations, and guidance for the expenditure, implementation, or
10 reversion of federal stimulus moneys issued by the federal government in connection with the
11 worldwide COVID-19 pandemic.