

Committee: House Committee on Appropriations

Tuesday, February 22, 2022 8:00 AM

Roll Call

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

Excused: Rep. Haugaard

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Karr

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 17TH

Moved by: Mills

Second by: May

Action: Prevailed by voice vote

HB 1031 : make an appropriation to the Board of Technical Education to construct an advanced manufacturing laboratory space and classrooms on the campus of Lake Area Technical College and to declare an emergency.

Presented by: Grace Beck, South Dakota Board of Technical Education, Pierre

Proponents: Michael D Cartney, Lake Area Technical College, Watertown (Handout(s) 1. Advanced Manufacturing Lab Space 2. Letters of support)

Darryl Niven, Terex, remote

Brian Sandvig, Valley Queen Cheese Factory

MOTION: DO PASS HB 1031

Moved by: Gross

Second by: Mulally

Action: Prevailed by roll call vote (7-0-2-0)

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

Excused: Haugaard and Mills

HB 1032 : make an appropriation to the Board of Technical Education to construct an agriculture and diesel power laboratory and multi-purpose space on the campus of Mitchell Technical College and to declare an emergency.

Presented by: Grace Beck, South Dakota Board of Technical Education, Pierre

Proponents: Joel Rassel, Mitchell Technical College, Mitchell (Handout(s) 3. Agriculture & Diesel Power Lab)

Devon Russell, Mitchell Technical College, Mitchell (Handout(s) 4. Mitchell Technical College Booklet)

Carol M Grode-Hanks, Mitchell School District, Mitchell

Mark Wilson, President, Mitchell Technical College, Mitchell

MOTION: DO PASS HB 1032

Moved by: Mulally

Second by: Fitzgerald
Action: Prevailed by roll call vote (7-0-2-0)

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

Excused: Haugaard and Mills

MOTION: DO PASS HB 1277

Moved by: May
Second by: Duba
Action: Prevailed by roll call vote (6-1-2-0)

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

Voting No: Howard

Excused: Haugaard and Mills

HB 1092 : make an appropriation for the precision agriculture cybersecurity CyberAg partnership initiative and to declare an emergency.

Presented by: Representative Larry Tidemann, District 7

Proponents: Karla Trautman, SDSU Extension, Brookings (Handout(s) 5. DSU Framework for a Partnership 6. CNHI Industrial Letter)
Brenda Forman, South Dakota Cattlemen's Association, Pierre (Handout(s) 7. Letter of support from various Ag Associations, etc.)
Brian Maher, Board of Regents
John Killefer, SDSU Dean of Agriculture, Brookings
Richard Hanson, Provost Dakota State University, Remote

MOTION: DO PASS HB 1092

Moved by: Duba
Second by: Mills
Action: Prevailed by roll call vote (7-2-0-0)

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

Voting No: Mulally and Howard

MOTION: SUBSTITUTE MOTION: DEFER HB 1092 TO THE 41ST LEGISLATIVE DAY

Moved by: Howard
Second by: Mulally
Action: Failed by roll call vote (2-7-0-0)

Voting Yes: Mulally and Howard

Voting No: Duba, Gross, Haugaard, Mills, Fitzgerald, May, and Karr

Revert to previous motion

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

Presented by: Representative Kent Peterson, District 19

Proponents: Sheila Gestring, University of South Dakota, Vermillion (Handout(s) 8. USD
Discovery District)
Dan Engebretson, Board of Regents
Deb Peters, self, Hartford
Mitchell Rave, Sanford Health, Sioux Falls
Brian Maher, Board of Regents
Debra Owen, Greater Sioux Falls Chamber of Commerce, Sioux Falls

MOTION: DO PASS HB 1210

Moved by: Duba
Second by: Mills
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1210 TO THE 41ST LEGISLATIVE DAY

Moved by: Howard
Second by: Haugaard
Action: Prevailed by roll call vote (5-4-0-0)

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

Voting No: Duba, Mills, Fitzgerald, and Karr

HB 1320 : appropriate funds to reconstruct Custer West Dam and to declare an emergency.

Presented by: Representative Tim Goodwin, District 30

Proponents: Todd Pechota, self, Custer
Robert Brown, Mayor, Custer
Steve Egger, Custer County, Custer
Opponents: Lara Williams, Bureau of Finance and Management

MOTION: DEFER HB 1320 TO THE 41ST LEGISLATIVE DAY

Moved by: Mills
Second by: May
Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Fitzgerald

HB 1166 : make an appropriation for road improvements leading to the former entrance into the Palisades State Park and to declare an emergency.

Presented by: Representative Tom Pischke, District 25 (Handout(s) 9. Agreement Number 1998-01 10. Devil's Gulch Park Map 11. Double H Paving Proposal 12. SD Game, Fish, and Parks letter)

Proponents: Oran Sorenson, self, Garretson

Opponents: Brandy Miesner, Bureau of Finance and Management

MOTION: DO PASS HB 1166

Moved by: Howard

Second by: Gross

Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Mills

MOTION: TO TABLE HB 1101

Moved by: Howard

Second by: May

Action: Prevailed by roll call vote (8-0-1-0)

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

Excused: Mills

MOTION: TO TABLE HB 1288

Moved by: Howard

Second by: Gross

Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

MOTION: TO TABLE HB 1209

Moved by: Howard

Second by: May

Action: Prevailed by roll call vote (6-2-1-0)

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

Voting No: May and Howard

Excused: Mills

MOTION: SUBSTITUTE MOTION: DO PASS HB 1209

Moved by: May
Second by: Karr
Action: Failed by roll call vote (3-5-1-0)

Voting Yes: Duba, Haugaard, and Karr

Voting No: Gross, Mulally, Fitzgerald, May, and Howard

Excused: Mills

Revert to previous motion

MOTION: DO PASS HB 1248

Moved by: Duba
Second by: Gross
Action: Prevailed by roll call vote (7-1-1-0)

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

Voting No: Howard

Excused: Mills

MOTION: TO TABLE HB 1190

Moved by: Howard
Second by: Gross
Action: Prevailed by roll call vote (7-1-1-0)

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

Voting No: Duba

Excused: Mills

MOTION: TO TABLE HB 1276

Moved by: Howard
Second by: Gross
Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

HB 1257 : establish a fund to assist counties with paying infrastructure expenditures.

Presented by: Representative Drew Dennert, District 3 (Handout(s) 13. Fiscal Note 2022-FN1257A)

Proponents: Representative Caleb Finck, District 21
Eric Erickson, South Dakota Association of County Commissioners, Pierre

Opponents: Derek Johnson, Bureau of Finance and Management

MOTION: AMEND HB 1257

1257C

On page 1, line 1, of the House Taxation Engrossed bill, after "expenditures" insert " and to declare an emergency"

On page 1, line 3, of the House Taxation Engrossed bill, after "Dakota:" delete "Section 1. That § 10-1-44 be AMENDED:

"

On page 1, line 4, of the House Taxation Engrossed bill, after "AMENDED:" delete "10-1-44. There shall be established within the state treasury the sales and use tax collection fund for the purpose of administering the sales, use, municipal non-ad valorem, and contractors' excise taxes. Charges for the administration and collection of taxes collected pursuant to chapter 10-52 shall be deposited into the sales and use tax collection fund. In addition, subject to section 2 of this Act, the secretary of the Department of Revenue shall, on a monthly basis, deposit revenue collected as a result of taxes imposed in chapters 10-45, 10-46, and 10-58 in the sales and use tax collection fund. The total amount deposited in the sales and use tax collection fund may not exceed the amount budgeted for such purposes. All money in the fund created by this section shall be budgeted and expended in accordance with the provisions of Title 4 on warrants drawn by the state auditor on vouchers approved by the secretary of the Department of Revenue.

At the end of each fiscal year any cash balance left in the sales and use tax collection fund shall be transferred to the general fund."

On page 3, line 9, of the House Taxation Engrossed bill, after "section." delete "Section 4. This Act is effective on July 1, 2023."

On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

Section 3. There is hereby appropriated from the general fund a sum of \$20,000,000 to the Department of Revenue for the purposes described in section 2 of this Act. "

On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

Section 4. The secretary of revenue shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act."

On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8."

On page 3, after line 9, of the House Taxation Engrossed bill, insert: "

Section 6. 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."

Moved by: Fitzgerald

Second by: Gross

Action: Prevailed by voice vote

MOTION: DO PASS HB 1257 AS AMENDED

Moved by: Fitzgerald

Second by: Gross
Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

MOTION: AMEND HB 1234

1234A

On page 1, line 1, of the Introduced bill, delete "make an appropriation to improve the greatness of South Dakota and to declare an emergency." and insert "make an appropriation to provide contingency funds for unanticipated costs related to the coronavirus pandemic and to declare an emergency"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. There is hereby appropriated the sum of \$1,915,257,865 in federal fund expenditure authority for the expenditure of Public Law 117-2, American Rescue Plan Act of 2021 moneys; Public Law 116-260, Consolidated Appropriations Act, 2021 moneys; and Public Law 116-136, Coronavirus Aid, Relief, and Economic Security Act moneys to the Bureau of Finance and Management, for purposes of providing contingency funds to be made available in accordance with the provisions in §§ 4-8A-9, 4-8A-10, and 4-8A-11. The contingency funds shall be used for unanticipated costs related to the coronavirus pandemic for which the state was provided funding through Public Law 117-2, American Rescue Plan Act of 2021; Public Law 116-260, Consolidated Appropriations Act, 2021; and Public Law 116-136, Coronavirus Aid, Relief, and Economic Security Act. The contingency funds appropriated in this section are allocated to contingency sub funds as follows:

- (1) ARPA state fiscal recovery fund consisting of the sum of \$974,478,793 for the purpose of responding to the coronavirus pandemic and its economic effects and to replace revenue lost due to the public health emergency;
- (2) ARPA capital projects fund consisting of the sum of \$115,898,703, for the purpose of building infrastructure needed to provide access to critical services; and
- (3) Agency coronavirus fund consisting of the sum of \$824,880,369, for the purpose of facilitating the state's recovery from the economic and health effects of the coronavirus pandemic.

Section 2. The commissioner of the Bureau of Finance and Management shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2026, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. 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."

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

MOTION: DO PASS HB 1234 AS AMENDED

Moved by: Howard
 Second by: May
 Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

MOTION: AMEND HB 1235

1235A

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 41-2-19 be AMENDED:

41-2-19. The Department of Game, Fish and Parks may, on behalf and in the name of the state, acquire public or private property by gift, grant, devise, purchase, lease, or condemnation proceedings, and may manage, control, and improve the property for the purpose of exercising the powers granted in this title.

Real property may not be accepted, received, or administered by the department until the attorney general certifies that the real property is free from any legal obligations, and the real property may not be accepted, received, or administered without specific approval by the Legislature.

Section 2. That § 41-2-20 be AMENDED:

41-2-20. Any personal property or buildings or fixtures on real estate, acquired pursuant to § 41-2-19, may be sold by the Game, Fish and Parks Commission if the commission determines it to be obsolete or no longer useful and obtains the specific approval of the Legislature. The property ~~shall~~ must be sold according to procedures prescribed by the commissioner of the Bureau of Administration.

Section 3. That § 41-2-21 be AMENDED:

41-2-21. The Department of Game, Fish and Parks may acquire by any means or methods as specified in § 41-2-19 any public or private real property especially desirable for purposes of establishing public shooting areas or for the purposes of water conservation or recreation and may develop and improve the property for such purposes.

Real property may not be accepted, received, or administered by the department until the attorney general certifies that the real property is free from any legal obligations, and the real property may not be accepted, received, or administered without specific approval by the Legislature.

Section 4. That § 41-2-29.1 be AMENDED:

41-2-29.1. The Department of Game, Fish and Parks shall sell real property owned by the state and held by the department if ~~such~~ the real property is no longer needed for game, fish, or parks purposes and the department obtains the specific approval of the Legislature. ~~Such~~ The sale may be made only by the following procedure:

- (1) At the full value established by a qualified appraiser employed by the department;
- (2) For cash at public auction;

- (3) Five days after the last of at least two publications of notice of the sale in at least three daily newspapers of the state. The publications shall disclose all details relative to the sale;
- (4) Money received shall be deposited with the state treasurer and credited to the game, fish and parks fund;
- (5) Conveyance shall be made in the name of the State of South Dakota acting by and through the Department of Game, Fish and Parks and executed in the manner provided by § 5-2-11.

Section 5. That § 41-2-29.2 be AMENDED:

41-2-29.2. The Department of Game, Fish and Parks, in addition to or as an alternative to the requirements and methods specified in § 41-2-29.1, may trade or exchange real property owned by the state and held by the department if the real property is no longer needed for game, fish or parks purposes or if real property more suitable to department purposes may be obtained by an exchange. The exchange may be made only for other real property of equal value as determined by a qualified appraiser employed by the department. Conveyance ~~shall~~ must be made in the name of the State of South Dakota acting by and through the Department of Game, Fish and Parks and executed in the manner provided by § 5-2-11.

Real property may not be accepted, received, or administered by the department until the attorney general certifies that the real property is free from any legal obligations, and the real property may not be traded, accepted, received, or administered without specific approval by the Legislature.

"

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

MOTION: DO PASS HB 1235 AS AMENDED

Moved by: Fitzgerald
Second by: May
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: AMEND HB 1240

1240A

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 10-45-2 be AMENDED:

10-45-2. ~~There~~ Until June 30, 2022, there is hereby imposed a tax upon the privilege of engaging in business as a retailer, a tax of four and one-half percent upon the gross receipts of all sales of tangible personal property consisting of goods, wares, or merchandise, except as otherwise provided in this chapter, sold at retail in the State of South Dakota to consumers or users.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 2. That § 10-45-5 be AMENDED:

10-45-5. ~~There~~Until June 30, 2022, there is imposed a tax at the rate of four and one-half percent upon the gross receipts of any person from engaging or continuing in any of the following businesses or services in this state: abstracters; accountants; ancillary services; architects; barbers; beauty shops; bill collection services; blacksmith shops; car washing; dry cleaning; dyeing; exterminators; garage and service stations; garment alteration; cleaning and pressing; janitorial services and supplies; specialty cleaners; laundry; linen and towel supply; membership or entrance fees for the use of a facility or for the right to purchase tangible personal property, any product transferred electronically, or services; photography; photo developing and enlarging; tire recapping; welding and all repair services, except repair services for farm machinery, attachment units, and irrigation equipment used exclusively for agricultural purposes; cable television; and rentals of tangible personal property except leases of tangible personal property between one telephone company and another telephone company, motor vehicles as defined pursuant to § 32-5-1 leased under a single contract for more than twenty-eight days and mobile homes. However, the specific enumeration of businesses and professions made in this section does not, in any way, limit the scope and effect of the provisions of § 10-45-4.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 3. That § 10-45-5.3 be AMENDED:

10-45-5.3. ~~There~~Until June 30, 2022, there is imposed, at the rate of four and one-half percent, an excise tax on the gross receipts of any person engaging in oil and gas field services (group no. 138) as enumerated in the Standard Industrial Classification Manual, 1987, as prepared by the Statistical Policy Division of the Office of Management and Budget, Office of the President.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 4. That § 10-45-6 be AMENDED:

10-45-6. ~~There~~Until June 30, 2022, there is hereby imposed a tax of four and one-half percent upon the gross receipts from sales, furnishing, or service of gas, electricity, and water, including the gross receipts from such sales by any municipal corporation furnishing gas, and electricity, to the public in its proprietary capacity, except as otherwise provided in this chapter, when sold at retail in the State of South Dakota to consumers or users.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 5. That § 10-45-6.1 be AMENDED:

10-45-6.1. Except as provided in § 10-45-6.2, until June 30, 2022, there is hereby imposed a tax of four and one-half percent upon the gross receipts from providing any intrastate, interstate, or international telecommunications service that originates or terminates in this state and that is billed or charged to a service address in this state, or that both originates and terminates in this state. However, the tax imposed by this section does not apply to:

- (1) Any eight hundred or eight hundred type service unless the service both originates and terminates in this state;
- (2) Any sale of a telecommunication service to a provider of telecommunication services, including access service, for use in providing any telecommunication service; or

- (3) Any sale of interstate telecommunication service provided to a call center that has been certified by the secretary of revenue to meet the criterion established in § 10-45-6.3 and the call center has provided to the telecommunications service provider an exemption certificate issued by the secretary indicating that it meets the criterion.

If a call center uses an exemption certificate to purchase services not meeting the criterion established in § 10-45-6.3, the call center is liable for the applicable tax, penalty, and interest.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 6. That § 10-45-6.2 be AMENDED:

10-45-6.2. ~~There~~Until June 30, 2022, there is hereby imposed a tax of four and one-half percent upon the gross receipts of mobile telecommunications services, as defined in 4 U.S.C. § 124(7) as of January 1, 2002, that originate and terminate in the same state and are billed to a customer with a place of primary use in this state or are deemed to have originated or been received in this state and to be billed or charged to a service address in this state if the customer's place of primary use is located in this state regardless of where the service actually originates or terminates. Notwithstanding any other provision of this chapter and for purposes of the tax imposed by this section, the tax imposed upon mobile telecommunication services shall be administered in accordance with 4 U.S.C. §§ 116-126 as in effect on July 28, 2000.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 7. That § 10-45-8 be AMENDED:

10-45-8. ~~There~~Until June 30, 2022, there is imposed a tax of four and one-half percent upon the gross receipts from all sales of tickets or admissions to places of amusement and athletic contests or events, except as otherwise provided in this chapter.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 8. That § 10-45-71 be AMENDED:

10-45-71. ~~There~~Until June 30, 2022, there is imposed a tax of four and one-half percent on the gross receipts from the transportation of passengers. The tax imposed by this section shall apply to any transportation of passengers if the passenger boards and exits the mode of transportation within this state.

On July 1, 2022, and until June 30, 2023, the tax rate imposed by this section is four and one-quarter percent.

On July 1, 2023, the tax rate imposed by this section is four percent.

Section 9. That § 10-64-9 be REPEALED:

~~If the state is able to enforce the obligation to collect and remit sales tax on remote sellers who deliver tangible personal property, products transferred electronically, or services directly to the citizens of South Dakota, the additional net revenue from such obligation shall be used to reduce the rate of certain taxes. The rate of tax imposed by §§ 10-45-2, 10-45-5, 10-45-5.3, 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69, 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 shall be reduced by one-tenth percent on July first following the calendar year for which each additional twenty million dollar increment of net revenue is collected and~~

~~remitted by such remote sellers. However, the rate of tax imposed by §§ 10-45-2, 10-45-5, 10-45-5.3, 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69, 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 may not be reduced below four percent pursuant to the provisions of this section."~~

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

MOTION: DO PASS HB 1240 AS AMENDED

Moved by: Fitzgerald
 Second by: May
 Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

MOTION: AMEND HB 1238

1238A

On page 1, line 1, of the Introduced bill, delete "make an appropriation to advance South Dakota " and insert "create a task force on jail planning, to make an appropriation of general contingency funds therefor, "

On the Introduced bill, delete everything after the enacting clause and insert:
 "

Section 1. The Legislature shall assemble a jail planning task force consisting of eleven members to examine administrative efficiencies, cost effectiveness, utilization, and need for jails across the State. The membership of the task force shall include three members of the House of Representatives appointed by the speaker, three members of the Senate appointed by the president pro tempore, three sheriffs, and two state's attorneys appointed by the Executive Board of the Legislative Research Council. The sheriff and state's attorney task force members must be from different counties and have small and large county representation. All expenses incurred in carrying out the work of the task force shall be paid out of funds appropriated to the Legislature.

Section 2. The findings of the task force shall be provided to the Governor and to the Legislature no later than November 15, 2023.

Section 3. There is hereby appropriated the sum of \$50,000,000 in general funds to the Bureau of Finance and Management for purposes of providing contingency funds to be made available in accordance with the provisions in §§ 4-8A-9, 4-8A-10, and 4-8A-11. The contingency funds must be used to implement the recommendations of the jail planning task force created in section 1 of this Act.

Section 4. The commissioner of the Bureau of Finance and Management shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2027 shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 6. 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."

Moved by: Fitzgerald

Second by: May

Action: Prevailed by voice vote

MOTION: DO PASS HB 1238 AS AMENDED

Moved by: Howard

Second by: May

Action: Prevailed by roll call vote (5-4-0-0)

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

Voting No: Duba, Gross, Haugaard, and Mills

MOTION: AMEND HB 1237

1237D

On page 1, line 1, of the Introduced bill, after "to " insert "make an appropriation of moneys received from the Coronavirus State Fiscal Recovery Fund to provide cash assistance to South Dakota citizens."

On page 1, line 1, after "to " delete "make an appropriation to expand the progress of South Dakota and to declare an emergency."

On the Introduced bill, delete everything after the enacting clause and insert:

Section 1. There is hereby appropriated \$156,173,000 in federal fund expenditure authority for Coronavirus State Fiscal Recovery Fund moneys authorized by Public Law 117-2, American Rescue Plan Act of 2021, for the purposes of planning, logistics, administration, payment, and distribution of direct cash assistance to certain South Dakota citizens, whose primary residence is South Dakota, in accordance with section 2 of this Act, by the Department of Revenue.

Section 2. The payment referenced in section 1 of this Act must be distributed to all South Dakota citizens, whose primary residence is South Dakota, filing a separate 2021 federal income tax return with an adjusted gross income of less than or equal to \$75,000 or a joint 2021 federal income tax return with an adjusted gross income of less than or equal to \$150,000, in the amount of \$200 per filer and dependent.

Section 3. The payments under this Act must be distributed by January 1, 2025.

Section 4. The Department of Revenue must develop an application and review process for the distribution of payments in accordance with sections 1 and 2 of this Act.

Section 5. The Department of Revenue must maximize the amount of payments provided, while preventing inaccuracies and abuse, and must distribute the payments in accordance with sections 1 and 2 of this Act.

Section 6. The secretary of the Department of Revenue shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by December 31, 2025, shall revert in accordance with the procedures prescribed in chapter 4-8.

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

MOTION: DO PASS HB 1237 AS AMENDED

Moved by: Howard
 Second by: Gross
 Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

HB 1132 : make an appropriation to provide a grant for the infrastructure and construction of a new justice center in Lincoln County and to declare an emergency.

Opponents: Brandy Miesner, Bureau of Finance and Management

MOTION: TO TABLE HB 1132

Moved by: May
 Second by: Mills
 Action: Prevailed by roll call vote (8-1-0-0)

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

Voting No: Duba

MOTION: AMEND HB 1227

1227A

On page 1, line 1, of the Introduced bill, after "for " insert "stormwater "
 On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. Terms used in this Act mean:

- (1) "County population," the population of the county based on the most recent estimate available from the U.S. Census Bureau;
- (2) "Population adjustment factor," if the county population is:
 - (a) Greater than one hundred and fifty thousand, it equals 0.65;
 - (b) Less than one hundred and fifty thousand and greater than or equal to one hundred thousand, it equals 0.70;
 - (c) Less than one hundred thousand and greater than or equal to fifty thousand, it equals 0.80;
 - (d) Less than fifty thousand and greater than twenty-five thousand, it equals 0.90; and
 - (e) Less than twenty-five thousand, it equals 1.0; and
- (3) "Adjusted total population," the total population of all counties after applying the population adjustment factor.

Section 2. There is hereby appropriated the sum of \$30,000,000 in federal fund expenditure authority for Coronavirus State Fiscal Recovery Fund moneys authorized by Public Law 117- 2, American Rescue Plan Act of 2021, for the purpose of providing grant moneys to counties to make stormwater infrastructure improvements eligible under Coronavirus State Fiscal Recovery Fund guidance, to the Department of Revenue to be distributed to each county in an amount equal to the value of the county population multiplied by the population adjustment factor divided by the adjusted total population.

Section 3. The secretary of the Department of Revenue shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2026 shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 5. 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."

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

MOTION: DO PASS HB 1227 AS AMENDED

Moved by: May
Second by: Fitzgerald
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: TO TABLE HB 1225

Moved by: May
Second by: Gross
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: TO TABLE HB 1226

Moved by: Mulally
Second by: Howard
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: TO TABLE HB 1236

Moved by: Howard
Second by: May
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: TO TABLE HB 1239

Moved by: Howard
Second by: Fitzgerald
Action: Prevailed by roll call vote (9-0-0-0)

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

MOTION: AMEND HB 1235

1235B

On the previously adopted amendment (1235A), On page 1, line 1, delete "make an appropriation for the wellness of South Dakota and to declare an emergency." and insert "require legislative approval for the acquisition, sale, or exchange of real property by the Department of Game, Fish and Parks."

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

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

Moved by: Howard
Second by: May
Action: Prevailed by roll call vote (8-0-1-0)

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

Excused: Gross

HB 1215 : revise the deadlines for state agencies to submit annual budget requests to the Legislative Research Council.

Presented by: Representative Steven Haugaard, District 10
Opponents: Colin Keeler, Bureau of Finance and Management

MOTION: DO PASS HB 1215

Moved by: Haugaard
Second by: May
Action: Prevailed by roll call vote (7-1-1-0)

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

Voting No: Duba

Excused: Gross

MOTION: ADJOURN

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

Leonard Chick, Committee Secretary

/s/ CHRIS KARR
Chris Karr, Chair