

2022 South Dakota Legislature

Senate Bill 53**AMENDMENT 53D FOR THE SENATE COMMERCE AND
ENERGY ENGROSSED BILL**

1 **An Act to make an appropriation to increase workforce housing and to declare an**
2 **emergency.**

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

4 **Section 1.** There is hereby appropriated from the general fund the sum of \$50,000,000 and
5 appropriated the sum of \$50,000,000 in federal fund expenditure authority to the Governor's
6 Office of Economic Development (GOED) for purposes of developing housing infrastructure
7 across South Dakota.

8 **Section 2.** Funds shall be administered through the Local Infrastructure Improvement
9 Program pursuant to the criteria outlined in § 1-16G-50.

10 **Section 3.** Until June 30, 2024, GOED must make fifty percent of the funding available to
11 municipalities having a population of less than 50,000 and fifty percent of the funding
12 available for all municipalities. After June 30, 2024, all remaining funding must be made
13 available to all municipalities, regardless of their population. GOED's share of the funding shall
14 not exceed one-third of total project costs, with the remaining portion to be provided by an
15 equal match from a local governmental entity and the project developer. GOED shall comply
16 with any federal guidance on using the American Rescue Plan Act, Pub. L. 117-2, 135 Stat.
17 223 (2021) state fiscal recovery funds to provide grants for housing infrastructure,
18 wastewater and storm water projects that comply with the purpose of this Act.

19 **Section 4.** The commissioner of the GOED shall approve vouchers and the state auditor shall
20 draw warrants to pay expenditures authorized by sections 1 to 3 this Act.

21 **Section 5.** There is hereby transferred from the general fund the sum of \$100,000,000 to
22 the South Dakota housing opportunity fund created under § 11-13-2. The moneys must be
23 administrated by the South Dakota Housing Development Authority (SDHDA) for the purpose

1 of providing moneys for revolving loans for costs relating to housing infrastructure. SDHDA
2 shall use the amount appropriated to provide loans to entities eligible under § 11-13-4 with
3 flexible payment structures to accommodate project cash flow.

4 **Section 6.** No project may receive funding from both the housing opportunity fund and the
5 local infrastructure improvement fund for the same project if the project is in a municipality
6 with a population over 50,000.

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

9 **Section 8.** Any individual with a beneficial ownership interest, either directly or indirectly, or
10 five percent or greater in a project that receives any of the federal grant funds under section
11 1 of this Act will be reported to GOED. The beneficial interest must be determined and reported
12 at the time the grant funds are disbursed. GOED shall report to the legislature by June first
13 of each year, ~~under until~~ the federal grants have been fully expended.

14 **Section 9.** Whereas, this Act is necessary for the support of state government and its existing
15 public institutions, an emergency is hereby declared to exist, and this Act shall be in full force
16 and effect from and after its passage and approval.