

2022 South Dakota Legislature

House Bill 1281**AMENDMENT 1281D FOR THE SENATE ENGROSSED BILL**

1 ~~An Act to make an appropriation for matching funds to enhance research in~~
2 ~~manufacturing processes having lunar application and planetary use in tribal~~
3 ~~housing development and to declare an emergency~~ clarifying clarify the
4 contents of the general appropriations act for fiscal year 2023, pertaining to
5 certain federal moneys and to declare an emergency.

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

7 **Section 1.** A department or agency shall complete a base transfer of any appropriation for
8 money received from the American Rescue Plan Act, Pub. L. 117-2; Infrastructure
9 Investments and Jobs Act, Pub. L. 117-58; Coronavirus Aid, Relief, and Economic Security
10 Act, Pub. L. 116-136; or Consolidated Appropriations Act, Pub. L. 116-220 contained in any
11 budget unit in the general appropriations act for the fiscal year ending June 30, 2023, to the
12 appropriate budget unit created by section 2 to 9, inclusive, of this Act.

13 **Section 2.** There is hereby created in the general appropriations act within the department
14 of transportation budget for the fiscal year ending June 30, 2023, the following budget units:

15
16 (1) DOT Infrastructure Investments and Jobs Act, to carry out federal expenditure
17 authority with moneys and grants provided to the department on behalf of
18 the state through the Infrastructure Investments and Jobs Act, Pub. L. 117-
19 58.

20 (2) DOT American Rescue Plan Act, to carry out federal expenditure authority for
21 moneys and grants provided to the department on behalf of the state
22 through the American Rescue Plan Act, Pub. L. 117-2

23 **Section 3.** There is hereby created in the general appropriations act within the department
24 of public safety budget for the fiscal year ending June 30, 2023, the budget unit, DPS

1 Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with
2 moneys and grants provided to the department on behalf of the state through the
3 Infrastructure Investments and Jobs Act, Pub. L. 117-58

4 **Section 4.** There is hereby created in the general appropriations act within the department
5 of agriculture and natural resources budget for the fiscal year ending June 30, 2023, the
6 budget unit, DANR Infrastructure Investments and Jobs Act, to carry out federal expenditure
7 authority with moneys and grants provided to the department on behalf of the state through
8 the Infrastructure Investments and Jobs Act, Pub. L. 117-58.

9 **Section 5.** There is hereby created in the general appropriations act within the governor's
10 office of economic development budget for the fiscal year ending June 30, 2023, the budget
11 unit, GOED Infrastructure Investments and Jobs Act, to carry out federal expenditure
12 authority with moneys and grants provided to the department on behalf of the state through
13 the Infrastructure Investments and Jobs Act, Pub. L. 117-58.

14 **Section 6.** There is hereby created in the general appropriations act within the department
15 of social services budget for the fiscal year ending June 30, 2023, the budget unit, DSS
16 Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with
17 moneys and grants provided to the department on behalf of the state through the
18 Infrastructure Investments and Jobs Act, Pub. L. 117-58.

19 **Section 7.** There is hereby created in the general appropriations act within the department
20 of health budget for the fiscal year ending June 30, 2023, the budget unit, DOH Coronavirus
21 Funding, to carry out federal expenditure authority with moneys and grants provided to the
22 department on behalf of the state through the Coronavirus Aid, Relief, and Economic Security
23 Act, Pub. L. 116-136; Consolidated Appropriations Act, Pub. L. 116-220; American Rescue
24 Plan Act, Pub. L. 117-2.

25 **Section 8.** There is hereby created in the general appropriations act within the department
26 of education budget for the fiscal year ending June 30, 2023, the budget unit, DOE American
27 Rescue Plan Act, to carry out federal expenditure authority with moneys and grants provided
28 to the department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-
29 2.

30 **Section 9.** There is hereby created in the general appropriations act within the department
31 of tourism budget for the fiscal year ending June 30, 2023, the budget unit, Tourism American

1 Rescue Plan Act, to carry out federal expenditure authority with moneys and grants provided
2 to the department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-
3 2.

4 **Section 10.** A planned expenditure for a current program that does not change current policy
5 or require the implementation of an additional mandate does not need to be released for
6 expenditure as required by this section.

7 Unless authorized by a special appropriations act, a department or agency may not expend
8 moneys received from a federal act listed in section 1, for a new program or for a current
9 program, if the planned expenditure for the current program commits a department or agency
10 to change a policy or mandate, until the special committee, created pursuant to § 4-8A-2,
11 releases the appropriated money for the new program or the change in policy or mandate for
12 the current program.

13 Terms used in this section mean:

14 ~~(1)~~ (1) "New program," a unique activity, function, or service proposed to be
15 carried out or administered by a budget unit that is not part of the base budget, has
16 not been provided an appropriation by law, and is not currently being performed by a
17 department or agency;

18 ~~(2)~~ (2) "Current program," a unique activity, function, or service carried out or
19 administered by a budget unit that is part of the base budget; has received an
20 appropriation by law for the unique activity, functions, or service; and is currently
21 being performed by a department or agency;

22 (3) "Base budget," the moneys appropriated by the general appropriations act for the
23 ordinary and current expenses of a budget unit, as defined by 4-7-1.

24 ~~(3)~~ This section applies to the general appropriations act ending June 30, 2023.

25 **Section 11.** Whereas, this Act is necessary for the support of the state government and its
26 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
27 full force and effect from and after its passage and approval.