

## 2022 South Dakota Legislature

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

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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~~ clarify the contents of the  
4 general appropriations act for fiscal year 2023, pertaining to certain federal  
5 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 moneys received from the American Rescue Plan Act, Pub. L. 117-2; Infrastructure  
9 Investments and Jobs Act, Pub. L. 117-58; or Coronavirus Aid, Relief, and Economic Security  
10 Act, Pub. L. 116-136 or any coronavirus related moneys received from the Consolidated  
11 Appropriations Act, 2021, Pub. L. 116-260 contained in any budget unit in the general  
12 appropriations act for the fiscal year ending June 30, 2023, to the appropriate budget unit  
13 created by section 2 to 9, inclusive, of this Act.

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

16  
17 (1) DOT Infrastructure Investments and Jobs Act, to carry out federal expenditure  
18 authority with moneys and grants provided to the department on behalf of  
19 the state through the Infrastructure Investments and Jobs Act, Pub. L. 117-  
20 58.

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

1 **Section 3.** There is hereby created in the general appropriations act within the department  
2 of public safety budget for the fiscal year ending June 30, 2023, the budget unit, DPS  
3 Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with  
4 moneys and grants provided to the department on behalf of the state through the  
5 Infrastructure Investments and Jobs Act, Pub. L. 117-58

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

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

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

21 **Section 7.** There is hereby created in the general appropriations act within the department  
22 of health budget for the fiscal year ending June 30, 2023, the budget unit, DOH Coronavirus  
23 Funding, to carry out federal expenditure authority with moneys and grants provided to the  
24 department on behalf of the state through the Coronavirus Aid, Relief, and Economic Security  
25 Act, Pub. L. 116-136 and American Rescue Plan Act, Pub. L. 117-2 and coronavirus related  
26 moneys and grants provided to the department on behalf of the state through the  
27 Consolidated Appropriations Act, 2021, Pub. L. 116-260.

28 **Section 8.** There is hereby created in the general appropriations act within the department  
29 of education budget for the fiscal year ending June 30, 2023, the budget unit, DOE American  
30 Rescue Plan Act, to carry out federal expenditure authority with moneys and grants provided  
31 to the department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-  
32 2.

1 **Section 9.** There is hereby created in the general appropriations act within the department  
2 of tourism budget for the fiscal year ending June 30, 2023, the budget unit, Tourism American  
3 Rescue Plan Act, to carry out federal expenditure authority with moneys and grants provided  
4 to the department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-  
5 2.

6 **Section 10.** A planned expenditure for a current program that does not change current policy  
7 does not need to be released for expenditure as required by this section.

8 Unless authorized by a special appropriations act, a department or agency may not expend  
9 moneys received from a federal act listed in section 1, for a new program or for a current  
10 program, if the planned expenditure for the current program commits a department or agency  
11 to change a policy, until the special committee, created pursuant to § 4-8A-2, releases the  
12 appropriated money for the new program or the change in policy for 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, function, or service; and is currently being  
21 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.