2022 South Dakota Legislature

House Bill 1281

CONFERENCE COMMITTEE ENGROSSED

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

Introduced by: ***Representative*** *Blare*

An Act to clarify the contents of the general appropriations act for fiscal year 2023, pertaining to certain federal moneys and to declare an emergency.

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

Section 1. A department or agency shall complete a base transfer of any appropriation for moneys received from the American Rescue Plan Act, Pub. L. 117-2; Infrastructure Investments and Jobs Act, Pub. L. 117-58; or Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 or any coronavirus related moneys received from the Consolidated Appropriations Act, 2021, Pub. L. 116-260 contained in any budget unit in the general appropriations act for the fiscal year ending June 30, 2023, to the appropriate budget unit created by section 2 to 9, inclusive, of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

Terms used in this section mean:

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

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

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

This section applies to the general appropriations act ending June 30, 2023.

Section 11. 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.