

LRC EXECUTIVE BOARD

RESOLUTION REGARDING HB 1033

WHEREAS, during the 2022 Session of the South Dakota Legislature, the House of Representatives and the Senate passed HB 1033, and Governor Noem signed the Bill into law; and

WHEREAS, HB 1033 appropriates \$200 million for the purpose of providing loans and grants for construction of housing infrastructure, which will be administered by the South Dakota Housing Development Authority pursuant to SDCL Chapters 11-11 and 11-13; and

WHEREAS, HB 1033 imposes certain conditions, restrictions and limitations on the distribution and use of the appropriated funds, including the types of projects that may qualify as housing infrastructure, the total amount of funds that may be distributed for loans and the total amount that may be distributed for grants, the percentage of loans or grants that may be made available to municipalities based on population, and a limit on the total project costs that may be funded by a grant; and

WHEREAS, the purpose of the funds appropriated pursuant to HB 1033 is different than the purpose currently set forth in Chapter 11-13 and such funds are not subject to the restrictions and limitations currently set forth in Chapter 11-13; and

WHEREAS, HB 1033 does not amend or otherwise change the existing requirements for distributing and using other funds administered by the South Dakota Housing Development Authority under Chapter 11-13; and

WHEREAS, in *South Dakota Education Association/NEA v. Barnett*, 582 NW 2nd 386, 1998 SD 84, the South Dakota Supreme Court held that “in addition to distinct items of appropriation, the legislature may include in an appropriation bill qualifications, conditions, limitations or restrictions on the expenditure of funds which would not be dealt with more properly in a separate bill;” and

WHEREAS, the South Dakota Code Commission has the authority under SDCL Chapter 2-16 to arrange, correlate and integrate session laws into the South Dakota Codified Laws as intended by the legislature:

NOW THEREFORE BE IT RESOLVED, by the Executive Board of the South Dakota Legislative Research Council, that the Legislature intends that the purposes, conditions, restrictions and limitations on the distribution and use of the funds appropriated under HB 1033 be codified in SDCL Chapter 11-13; and that the South Dakota Code Commission arrange, correlate and integrate the provisions of HB 1033 into the South Dakota Codified Laws as intended by the legislature.