



2025 South Dakota Legislature

Senate Bill 146

ENROLLED

AN ACT

ENTITLED An Act to revise provisions on interim transfers and appropriations.

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

Section 1. That § 4-8A-1 be AMENDED:

4-8A-1. Terms as used in this chapter, unless the context otherwise requires, mean:

- (1) "Agency," a principal functional and administrative entity, including each department and bureau of state government, as designated in the general appropriation bill;
- (2) "Budget unit," a unit of government contained within an agency, including each institution, for which separate appropriations in the general appropriation bill are made;
- (3) "General appropriation bill," the bill enacted by the Legislature in accordance with the provisions of S.D. Const., Art. XII, § 2, requiring a majority vote of all the members of each house of the Legislature;
- (4) "General contingency funds," appropriated funds for expenditures arising from or subject to unforeseen conditions of an agency's operations for which a general fund appropriation has not been provided and which are deemed by the Governor and the special committee to be in the interest of the state and its agencies; and
- (5) "Special committee," the committee created by § 4-8A-2.

Section 2. That § 4-8A-3 be AMENDED:

4-8A-3. The special committee shall serve to release moneys from any general contingency funds appropriated for contingent purposes by the general appropriation bill or any special appropriation bill. The committee shall also serve to continually review, evaluate, and coordinate state fiscal and budgetary policy, including the creation of any

new budget units by any agency, and carry out any assignments made by the Executive Board of the Legislative Research Council.

The committee may hold public hearings to review the budget report submitted by the Governor and the long-term capital improvements budget as required in § 4-7-19. The committee may summon and examine witnesses.

Section 3. That § 4-8A-5 be AMENDED:

4-8A-5. The appropriations authorized by the general appropriation bill must be classified and coded for budgetary accounting purposes in accordance with the provisions of chapter 4-7.

Section 4. That § 4-8A-6 be AMENDED:

4-8A-6. All appropriations in the general appropriation bill may be used only for the specific purposes therein provided and no other. The state auditor shall issue warrants on itemized and approved vouchers filed in his office, but no warrants may be issued to or on behalf of any person or agency, on any fund in excess of the appropriation specifically made in the general appropriation bill, except as provided by the provisions of this chapter, a special appropriation bill, an internal service fund created by the Legislature, or a continuous appropriation created by the Legislature.

Section 5. That § 4-8A-8 be AMENDED:

4-8A-8. Any transfer of appropriations made in the general appropriation bill may only occur upon approval by an agency head or designee, in accordance with procedures established by the Bureau of Finance and Management, and upon approval of the bureau. An agency may transfer appropriations within a budget unit, on a one-time or ongoing basis, or between budget units within an agency, on a one-time basis. An agency may transfer appropriations between agencies to reflect a reorganization pursuant to S.D. Const., Art. IV, § 8. Transfers of appropriations between budget units within an agency, on an ongoing basis, or between agencies, on a one-time or ongoing basis, must be approved by the special committee. Notwithstanding this section, transfers of appropriations between institutions under the control of the Board of Regents, on a one-time or ongoing basis, must be approved by the special committee.

The Bureau of Finance and Management shall keep a record of all approvals of transfers and make them available for public inspection. At least ten days prior to

approving any transfer requiring approval by the special committee, the bureau shall transmit a notice to transfer appropriations to the special committee and its designees. For all other transfers between budget units, the bureau shall transmit a detailed explanation of the transfer to the special committee and its designees immediately after approving the transfer.

Section 6. That § 4-8A-9 be AMENDED:

4-8A-9. All requests by an agency for moneys from any general contingency funds appropriated in the general appropriation bill or any special appropriation bill must be submitted in writing to the Governor, the Bureau of Finance and Management, and the chair or chairs of the special committee, setting forth the proposed usage and necessity for the moneys. If the Governor deems the request to be in the public interest and of sufficient necessity, the Governor must submit a recommendation to the special committee, for its consideration and disposition.

Section 7. That § 4-8A-10 be AMENDED:

4-8A-10. Whenever the Governor deems it necessary for the special committee to consider, pass upon, and release general contingency funds for emergency purposes or as supplements to the budgets for the ordinary expenses of agencies, the Governor shall give due and reasonable notice to the members of the special committee.

Section 8. That § 4-8A-11 be AMENDED:

4-8A-11. No action may be taken on release of moneys from any general contingency funds except by majority vote of the entire special committee membership. The special committee by majority vote of the entire membership may reduce or increase the dollar amount recommended by the Governor. Upon the approval of the special committee, the Bureau of Finance and Management shall initiate the transfer of the moneys to the proper agency fund.

Section 9. That § 4-8A-12 be AMENDED:

4-8A-12. Notwithstanding the provisions of § 4-8A-8, the Executive Board of the Legislative Research Council may, by majority vote of the board, transfer moneys appropriated to a legislative department contingency budget unit in the general appropriation bill to another budget unit within the legislative department upon written

request of the Director of the Legislative Research Council. The Legislative Research Council shall keep a record of the authorizations of transfers and make them available to the public.

Section 10. That § 4-8A-16 be AMENDED:

4-8A-16. The Bureau of Finance and Management and the Legislative Research Council shall prepare and submit, no later than July thirtieth of each year, independent projections that conform with the provisions of subdivisions 4-7-10(2) and (5) to the Governor or the Governor's designee and the special committee. Notwithstanding the provisions of subdivisions 4-7-10(2) and (5), the projections must contain information of the actual revenue for each of the two fiscal years last concluded and the estimated revenue of the current fiscal year.

If either of the estimates provided in this section project a budget shortfall in excess of two and one-half percent of the general fund appropriated budget in the current fiscal year, the Bureau of Finance and Management and the Legislative Research Council must propose measures to the Governor and the special committee for eliminating the shortfall. If either of the estimates provided in this section project a budget shortfall in the current or next fiscal year of five percent or greater of the general fund appropriated budget, the Governor must propose measures to eliminate the shortfall consistent with S.D. Const., Art. XII, § 7.

Section 11. That § 4-8A-7 be REPEALED.

An Act to revise provisions on interim transfers and appropriations.

 I certify that the attached Act originated in
 the:
 Senate as Bill No. 146

Received at this Executive Office
 this _____ day of _____,
 2025 at _____ M.

 Secretary of the Senate

By _____
 for the Governor

 President of the Senate

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2025

Attest:

 Secretary of the Senate

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 Speaker of the House

Attest:

Filed _____, 2025
 at _____ o'clock ___ M.

 Chief Clerk

 Secretary of State

Senate Bill No. 146
 File No. _____
 Chapter No. _____

By _____
 Asst. Secretary of State