

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0732

## HOUSE ENGROSSED NO. **HB 1285** - 02/15/2001

Introduced by: Representatives Hansen (Tom), Adelstein, Begalka, Broderick, Brown (Jarvis), Derby, Duenwald, Duniphan, Frost, Fryslie, Heineman, Hennies (Don), Hunhoff, Jaspers, Juhnke, Koistinen, Konold, Murschel, Peterson (Bill), Pitts, Pummel, Slaughter, Smidt, Teupel, Van Gerpen, and Wick and Senators Greenfield, Albers, Bogue, Brown (Arnold), Drake, Everist, McCracken, and Vitter

1 FOR AN ACT ENTITLED, An Act to make distributions from the South Dakota-bred racing  
2 fund and the special racing revolving fund and to declare an emergency.

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

4 Section 1. The state treasurer shall transfer to the general fund three hundred fifty thousand  
5 dollars (\$350,000) from the South Dakota-bred racing fund, and three hundred fifty thousand  
6 dollars (\$350,000) from the special racing revolving fund. However, this distribution may only  
7 be made after the South Dakota Gaming Commission has dispersed four hundred thousand  
8 dollars (\$400,000) to each of the nonprofit corporations operating horse tracks located on  
9 county property in or near Fort Pierre and Aberdeen. This distribution shall occur within fifteen  
10 days of the effective date of this Act. Any distributions made since January 1, 2001, shall be  
11 considered part of the four hundred thousand dollars (\$400,000) required to be distributed to  
12 each track. The Gaming Commission shall also distribute an additional four hundred thousand  
13 dollars (\$400,000) to each of the nonprofit corporations operating the horse tracks in or near

1 Fort Pierre and Aberdeen by February 1, 2002, and again by February 1, 2003.

2 Section 2. That § 1-21-1.1 be amended to read as follows:

3 1-21-1.1. The State Fair Commission shall be administered under the direction and  
4 supervision of the Department of Agriculture and the secretary thereof, but shall retain the  
5 quasi-judicial, quasi-legislative, advisory, and other nonadministrative ~~and special budgetary~~  
6 functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions  
7 independently of the secretary of agriculture.

8 Section 3. That § 1-21-13 be repealed.

9 ~~1-21-13. The State Fair Commission shall account strictly for all money received in conduct~~  
10 ~~of the state fair.~~

11 Section 4. That § 1-21-14 be amended to read as follows:

12 1-21-14. All sums received for admissions, concessions, and privileges, or for any purpose,  
13 by ~~such~~ the State Fair Commission, shall be placed in the ~~custody of its secretary-treasurer and~~  
14 ~~made a matter of record by him, and shall be paid out only upon vouchers approved by the~~  
15 ~~commission or, at its discretion, the commission may authorize the secretary-treasurer to pay~~  
16 ~~regular or routine claims. Disbursements of moneys shall be made by check signed by the~~  
17 ~~president or vice-president, or commission member so authorized, and secretary-treasurer. Any~~  
18 ~~surplus over three hundred thousand dollars remaining in the hands of the fair commission, after~~  
19 ~~the payment of all reasonable and necessary claims, shall be deposited with the state treasurer~~  
20 ~~by the State Fair Commission. Any other surplus remaining in the hands of the state fair shall be~~  
21 ~~invested in securities authorized by § 4-5-6, in such bank or banks as may be designated by the~~  
22 ~~State Fair Commission and all interest received on same shall be a part of the receipts of such~~  
23 ~~State Fair Commission~~ State Fair fund and shall be budgeted and expended in accordance with  
24 Title 4 on warrants drawn by the state auditor upon vouchers approved by the secretary of

1 agriculture.

2 Section 5. That § 1-21-15 be repealed.

3 ~~1-21-15. All funds appropriated by the state for maintenance of the state fair and for~~  
4 ~~buildings and improvements shall be paid out only upon itemized vouchers, duly verified and~~  
5 ~~approved by the State Fair Commission and endorsed by the president of the commission and~~  
6 ~~filed with the state auditor.~~

7 Section 6. That § 1-21-16 be repealed.

8 ~~1-21-16. The State Fair Commission shall prepare an annual financial report for each~~  
9 ~~calendar year and submit a copy to the Legislature.~~

10 Section 7. The Commission on Gaming on or about July 15, 2001, shall transfer one hundred  
11 twenty-five thousand dollars from the special racing revolving fund and one hundred twenty-five  
12 thousand dollars from the South Dakota-bred racing fund to the Department of Social Services  
13 to provide grants to qualifying contractors according to the provisions of §§ 25-10-26 to 25-10-  
14 33, inclusive.

15 Section 8. There is hereby appropriated the sum of two hundred fifty thousand dollars  
16 (\$250,000), of other fund expenditure authority, or so much thereof as may be necessary, to the  
17 Department of Social Services for the expenditure of funds provided in section 1 of this Act.

18 Section 9. The secretary of social services shall approve vouchers and the state auditor shall  
19 draw warrants to pay expenditures authorized by this Act.

20 Section 10. Any amounts appropriated in this Act not lawfully expended or obligated by  
21 June 30, 2002, shall revert in accordance with § 4-8-21.

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