



## 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**

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

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

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

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

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

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

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

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

6 **Section 5.** There is hereby created in the general appropriations act within the governor's  
7 office of economic development budget for the fiscal year ending June 30, 2023, the budget  
8 unit, GOED 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 6.** There is hereby created in the general appropriations act within the department  
12 of social services budget for the fiscal year ending June 30, 2023, the budget unit, DSS  
13 Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with  
14 moneys and grants provided to the department on behalf of the state through the  
15 Infrastructure Investments and Jobs Act, Pub. L. 117-58.

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

23 **Section 8.** There is hereby created in the general appropriations act within the department  
24 of education budget for the fiscal year ending June 30, 2023, the budget unit, DOE American  
25 Rescue Plan Act, to carry out federal expenditure authority with moneys and grants provided  
26 to the department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-  
27 2.

28 **Section 9.** There is hereby created in the general appropriations act within the department  
29 of tourism budget for the fiscal year ending June 30, 2023, the budget unit, Tourism 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 10.** A planned expenditure for a current program that does not change current policy  
2 does not need to be released for expenditure as required by this section.

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

8 Terms used in this section mean:

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

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

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

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

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