

Committee: House Committee on Appropriations

Thursday, January 18, 2024 7:45 AM

Roll Call

Present: Rep. Duba, Rep. Kassin, Rep. Koth, Rep. Krull, Rep. Mills, Rep. Otten (Ernie), Rep. Venhuizen, and Rep. Derby

Excused: Rep. Karr

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Derby

HB 1049 : authorize the Board of Regents to accept and use easement proceeds for the purposes authorized by the 2022 Session Laws, chapter 198.

Presented by: Holly Farris, Board of Regents

Proponents: Kathy Johnson, Board of Regents

MOTION: DO PASS HB 1049

Moved by: Kassin

Second by: Koth

Action: Prevailed by Majority Members Elect (6-1-2-0)

Voting Yes: Kassin, Koth, Krull, Otten (Ernie), Venhuizen, and Derby

Voting No: Mills

Excused: Duba and Karr

HB 1073 : keep interest earned on incarceration construction fund moneys in the same fund.

Presented by: Representative Chris Kassin

Proponents: Derek Johnson, Bureau of Finance and Management

MOTION: DO PASS HB 1073

Moved by: Venhuizen

Second by: Mills

Action: Prevailed by Majority Members Elect (7-0-2-0)

Voting Yes: Kassin, Koth, Krull, Mills, Otten (Ernie), Venhuizen, and Derby

Excused: Duba and Karr

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1073 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1039 : provide for the payment of legal expenses originating from crime committed at a facility maintained by the Department of Corrections.

Presented by: Representative Ernie Otten

Proponents: Eric Erickson, South Dakota Association of County Officials, Pierre
Gary Drewes, South Dakota Association of County Commissioners, Pierre

Opponents: Brittni Skipper, Department of Corrections

MOTION: AMEND HB 1039

1039A

On page 3, after line 2, of the Introduced bill, insert: "

Section 3. That § 23A-40-10 be AMENDED:

23A-40-10. If the court finds that funds are available for payment from or on behalf of a defendant to carry out, in whole or in part, the provisions of this chapter, the court may order that the funds be paid, as court costs or as a condition of probation, to the court for deposit with the state, county, or municipal treasurer, to be placed in the state, county, or municipal general fund or in the public defender fund in those counties establishing the office pursuant to subdivision 23A-40-7(1) as a reimbursement to the county or municipality to carry out the provisions of this section. The court may also order payment to be made in the form of installments or wage assignments, in amounts set by a judge of the circuit court or a magistrate judge, either during the time a charge is pending or after the disposition of the charge, regardless of whether the defendant has been acquitted or the case has been dismissed by the prosecution or by order of the court. The provisions of this section also apply to persons who have had counsel appointed under chapters 26-7A, 26-8A, 26-8B, and 26-8C. The reimbursement is a credit against any lien created by the provisions of this chapter against the property of the defendant."

Moved by: Venhuizen

Second by: Koth

Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1039

HB 1060 : revise certain provisions related to travel reimbursement.

Presented by: Brandy Miesner, Bureau of Finance and Management

Proponents: Doug Abraham, South Dakota Retailers Association, Pierre
Jasper Diegel, SD Hotel & Lodging Association, Pierre
Justin G Smith, South Dakota Visitor Industry Alliance, Pierre
Angela Ehlers, South Dakota Association of Conservation Districts, Pierre

MOTION: AMEND HB 1060

1060A

On page 1, line 9, of the Introduced bill, after "owned" insert " motor"

On page 1, line 15, of the Introduced bill, after "owned" insert " motor"

On page 1, line 24, of the Introduced bill, after "greater." insert " For the purposes of this section, the term "individual with special needs" means a person with a disability that makes the

person unable to operate an unmodified motor vehicle but allows the person to operate a personal motor vehicle modified to accommodate the disability.

The mileage reimbursement rate covers all expenses incidental to the operation of a motor vehicle. The Bureau of Finance and Management shall publish in writing the mileage reimbursement rate to be effective as of October first each year."

On page 1, line 24, of the Introduced bill, delete " covering vehicle expenses" and insert " for using a privately owned motor vehicle on state business"

On page 2, line 3, of the Introduced bill, delete " at" and insert " within ten miles of"

On page 2, line 4, of the Introduced bill, after "instead" insert " for state business"

On page 2, line 6, of the Introduced bill, after "year." insert "

The Office of Fleet and Travel Management must approve mileage reimbursement paid at the rate set pursuant to § 3-9-1 if there are Office of Fleet and Travel Management or Department of Transportation pool motor vehicles available within ten miles of a person's place of residence or headquarters station.

This section does not apply to elected officers, departmental secretaries, and chairs of state boards and commissions."

On page 2, after line 6, of the Introduced bill, insert: "

Section 3. That a NEW SECTION be added to chapter 3-9:

Upon written request of the head of a state agency or institution, the state auditor may reimburse a person using a motor vehicle on state business for mileage within a designated city area if the required travel is not compensated through the person's salary. For the purposes of this section, the term "designated city area" means an area extending five miles beyond the municipal boundaries of Pierre, Sioux Falls, Aberdeen, Watertown, Brookings, and Rapid City."

On page 2, line 10, of the Introduced bill, delete " meal expenses" and insert " meal and lodging expenses necessarily"

On page 2, line 17, of the Introduced bill, after "amount" delete " that may be"

On page 2, line 18, of the Introduced bill, after "of" insert " in-state"

On page 2, line 20, of the Introduced bill, delete " tax" and insert " taxes and mandatory fees"

On page 2, line 21, of the Introduced bill, delete " tax" and insert " taxes and mandatory fees"

On page 2, line 22, of the Introduced bill, after "greater." insert " The Bureau of Finance and Management shall publish in writing the maximum reimbursement rate for in-state lodging to be effective as of October first each year."

On page 3, line 7, of the Introduced bill, after "from" insert " the limitations of"

On page 3, after line 12, of the Introduced bill, insert: "

Section 6. That § 2-4-2 be AMENDED:

2-4-2. The salary of each member of the Legislature is equal to one-fifth of the South

Dakota median household income reported by the United States Census Current Population Survey, as ascertained and adjusted each year by the State Board of Finance to take effect on the first day of January of each year for every regular legislative session. In addition, each legislator shall receive:

- (1) Reimbursement to be paid after the legislative session for actual mileage or its equivalent traveled to and from home not more than once each weekend or between days of recess during the regular legislative session, at ~~state rates established by the Board of Finance;~~ the rate set pursuant to § 3-9-1;
- (2) Expenses of one hundred twenty-three dollars per day for each day of a regular or special legislative session as prepaid reimbursement for living expenses, including meals and lodging, laundry, cleaning and pressing of clothing, and all other uncompensated expenses as defined in § 2-4-2.1 incident to the performance of legislative services, or at the amount fixed for the per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from the gross income without itemization as of October first each year, whichever of the two is greater; and
- (3) Five cents once each session for every mile of necessary travel in going to and returning from the place of meeting of the Legislature by the most usual route.

For each day's attendance at special sessions, each member, in addition to mileage and expenses, shall receive a per diem calculated by the director of the Legislative Research Council equal to the normal daily compensation for the regular session immediately preceding the special session."

On page 5, line 13, of the Introduced bill, after "3-9-1" insert " when attending to the business of the township"

On page 5, line 21, of the Introduced bill, after "3-9-1;" delete " provided"

On page 5, line 21, of the Introduced bill, after "however," delete " that"

On page 6, line 10, of the Introduced bill, after "time" delete " actually"

On page 7, line 1, of the Introduced bill, after "Finance." insert " Such reimbursement and compensation shall be paid at the rates set pursuant to chapter 3-9."

Moved by: Venhuizen

Second by: Kassin

Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1060

MOTION: ADJOURN

Moved by: Venhuizen

Second by: Duba

Action: Prevailed by voice vote

Leonard Chick, Committee Secretary

/s/ MIKE DERBY
Mike Derby, Chair