

Continuous Appropriations



Introduction

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In South Dakota, "[n]o money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer."¹ All appropriations not included in the general appropriations bill--which may address only ordinary expenses of the state, the current expenses of state institutions, interest on the public debt, and common schools--"shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the Legislature."²

One type of appropriation not included in the general appropriations bill is continuous (or continuing) appropriations, which provide the authority for a state agency to spend money for a specific purpose indefinitely.³

The use of continuous appropriations in South Dakota has not been questioned by the Supreme Court since 1937.⁴ Nevertheless, continuous appropriations bestow significant expenditure authority to agencies without the oversight present in the normal legislative budgeting process.

The only clear limit the Supreme Court has put forward on how much can be spent through a continuous appropriation is the amount of money available in the fund being used,⁵ but even that has not stopped certain funds from going into the negative through continuous appropriations. Continuous appropriations provide the expenditure authority for over eighty separate funds.⁶

Continuous Appropriations Generally

Fundamental Qualities of a Continuous Appropriation

The term "appropriation" has a set definition under South Dakota law: "An appropriation is legislative sanction for the disbursement of the public revenue. The test of whether an act is an appropriation is whether the money may be paid or drawn from the state treasury on authority of the act."⁷ However, the term "continuous appropriation" has not yet been defined.

A continuous appropriation is a kind of "special appropriation" for a special use outside the scope of the general appropriations bill.⁸ Special appropriations are session laws when enacted but distinct in nature from other statutes, remaining purely administrative.⁹ They are intended to revert after four years unless the Legislature says

¹ S.D. Const., Art. XII, § 1.

² S.D. Const., Art. XII, § 2.

³ See *id.* ("All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the Legislature.")

⁴ See *State ex rel. Jensen v. Kelly*, 274 N.W. 319, 322 (S.D. 1937) ("By the act in question the Legislature clearly intended to create a continuing appropriation."); see also *Apa v. Butler*, 638 N.W.2d 57, 62–63 (S.D. 2001) (The Supreme Court "has continued to recognize the existence of continuing appropriations in state law[.]").

⁵ See *State v. Anderson*, 146 N.W. 703, 705 (S.D. 1914).

⁶ For more information on these specific funds, see the Appendix below.

⁷ *State ex rel. Parker v. Youngquist*, 11 N.W.2d 84, 86 (S.D. 1943) (citation omitted).

⁸ See *Apa*, 638 N.W.2d at 66.

⁹ See *id.* at 63.

otherwise.¹⁰ Continuous appropriations, though, are codified.¹¹ While the Legislature could make any special appropriation last forever, continuous appropriations are always specially designed to do just that.

Generally, continuous appropriations have been understood to "run[] from year to year without the need for further authorization in the budget act."¹² They are intended to meet a specific purpose necessitating long-term, consistent funding.¹³ Accordingly, a continuous appropriation exists unimpeded for as long as it remains in statute, ending only when repealed or modified.¹⁴

Continuous Appropriation Language

There is no set language necessary to create a continuous appropriation or any appropriation for that matter.¹⁵ This lack of constitutional direction appears to have resulted in a far-reaching understanding of what may constitute a continuous appropriation.

For example, in *Duxbury v. Harding*,¹⁶ the Supreme Court found a bill to have created a continuous appropriation by stating that "revenues for the property tax credit account 'shall be appropriated annually through the general appropriation act[.]' " The Court came to this conclusion despite the bill not containing the words "continuous appropriation" because the bill's related property tax credit program could not be carried out without a continuous appropriation.¹⁷

Likewise, in *Candee Const. Co. v. S. Dakota Dep't of Transp.*,¹⁸ the Supreme Court held SDCL 31-2-38, which says damages awarded to a plaintiff in a suit against the Department of Transportation will be paid "out of the state highway fund from all the moneys levied and collected by the state by general state taxation for state highway purposes, or appropriated for state highway purposes[.]" provides for a continuous appropriation based on the plain meaning of the statute. Thus, a continuous appropriation may exist implicitly where the statutory scheme requires one to fulfill legislative intent.

Often times, the Legislature enacts continuous appropriations by using the term "continuous" or "continuing." One such example is SDCL 34A-9-4.2 (emphasis added): "Any environmental impact statement fee paid pursuant to the provisions of § 34A-9-4 is *appropriated continuously* to the agency assessing the fee to be expended for the purposes of § 34A-9-4." Sometimes continuous appropriations are described as "annual appropriations," as is the case in SDCL 41-2-35 (emphasis added): "All moneys in the Department of Game, Fish and Parks fund are hereby *annually appropriated* to be used with any moneys otherwise appropriated to pay the necessary expenses of effectuating the purposes of this title." Nevertheless, the Legislature can choose whatever language it wants, so it difficult to know how many continuous appropriations are active at any given time.

Types of Continuing Appropriations

Without guidance to date suggesting otherwise, continuous appropriations take many shapes and forms under the law. They may be limited in how much can be spent a year or unlimited. They may allow money to be taken out of a specific fund or the general fund. They may be budgeted by an agency for the Legislature or left out of the budgeting process year after year. The Legislature has a great deal of freedom to decide how it wants to set up continuous appropriations to fit its spending goals.

¹⁰ SDCL 4-8-21.

¹¹ See *Grimball v. Beattie*, 177 S.E. 668, 672 (S.C. 1934).

¹² 63C Am. Jur. 2d Public Funds § 22.

¹³ See *State v. Cooper*, 536 S.E.2d 870, 877 (S.C. 2000).

¹⁴ See *Gange v. Clerk of Burleigh Cty. Dist. Ct.*, 429 N.W.2d 429, 436 (N.D. 1988).

¹⁵ See, e.g., *Anderson*, 146 N.W. at 704 ("The Constitution in no manner prescribes what is necessary to constitute a valid appropriation.").

¹⁶ 490 N.W.2d 740, 745 (S.D. 1992).

¹⁷ *Id.*

¹⁸ 447 N.W.2d 339, 344 (S.D. 1989).



In some cases, continuous appropriations are explicitly limited in the amount available for use each year.¹⁹ For example, SDCL 46A-1-95 says, "All federal pass-through grant funds, not to exceed six million dollars annually, received for use in the [state clean lakes program, the nonpoint source program, water quality monitoring program, and wetlands grant program] are hereby continuously appropriated to the secretary of the Department of Agriculture and Natural Resources." So, even if the department receives \$10 million in pass-through grant funds in any given year, it can only spend \$6 million on the programs listed without additional appropriation authority from the Legislature.

Most continuous appropriations, however, have no such limitation. An agency is free to spend whatever amount is available to achieve the statutory purpose.²⁰ While this amount of spending authority is significant, it is often tempered by other expenditure limitations.

The Legislature typically enacts continuous appropriations for the use of only one fund, allowing for just the money kept there to be used continually. For example, money found in the pesticide recycling and disposal fund is continuously appropriated to the Department of Agriculture and Natural Resources to develop a waste pesticide collection and disposal program and a pesticide container recycling program.²¹ If money from the general fund were used for the same purpose, that use would require a separate appropriation. In rare cases, certain designated tax revenues are continuously appropriated directly out of the general fund.²²

Many continuous appropriations are included in the general appropriation bill through informational budgets, through which agencies detail the condition of funds under their control to the Joint Committee on Appropriations. Some continuous appropriations even include an explicit provision saying money received in the relevant fund shall be set forth in an informational budget every year.²³

Nevertheless, there remain other continuous appropriations not included in the budgeting process and therefore not reviewed annually by the Legislature after their creation. The pesticide recycling and disposal fund is one such example, as it is not put forward in an informational budget despite holding over \$100,000 at the end of FY 2020 (and over \$380,000 at the end of FY 2017). Thus, some continuous appropriations provide the authority to spend money unseen by the Legislature under normal circumstances.

Issues as to Legislative Oversight of Continuous Appropriations

In theory, continuous appropriations are "limited by the amount of the fund provided for," even when the appropriation itself is unlimited.²⁴ This hypothetical limitation in part led the Supreme Court to conclude the Legislature could enact appropriations with no set amount without violating the Constitution.²⁵ By this time, there

¹⁹ Continuous appropriations limited in amount per year have been referred to previously as "annual appropriations" in *LRC Issue Memorandum 95-31*. However, as continuous appropriations not limited in this way can still sometimes be enacted in statute as "annual," it is more efficient to refer to all self-executing appropriations as "continuous." There is currently no legal distinction between annual and continuous appropriations, although former Chief Justice George W. Wuest once said in a concurring opinion that "an annual appropriation . . . is not a continuing appropriation" without further clarification. *Duxbury*, 490 N.W.2d at 747 (Wuest, J. concurring).

²⁰ See, e.g., SDCL 1-33B-18 ("Any money in the conservation loan special revenue fund is continuously appropriated.").

²¹ See SDCL 38-20A-56.

²² See, e.g., SDCL 10-44-9.1 ("On July fifteenth of each year, the secretary of the Department of Labor and Regulation shall determine the amount of fire insurance premium tax collected by the state under the provisions of §§ 10-44-2 and 10-44-9 for the previous calendar year. . . . All amounts determined for distribution are hereby appropriated out of the general fund to the Department of Public Safety.").

²³ See, e.g., SDCL 20-9-57 ("The [riot boosting recovery] fund is continuously appropriated to the Department of Public Safety, which shall administer the fund. All money received by the department for the fund shall be set forth in an informational budget pursuant to § 4-7-7.2 and be annually reviewed by the Legislature.").

²⁴ *Anderson*, 146 N.W. at 705.

²⁵ *Id.*



was already a statute preventing an officer, board, or commission from incurring an expense leading to a deficiency in the funds appropriated.²⁶

In practice, though, continuous appropriations do not require a fund to have a positive balance before money from that fund can be spent.²⁷ Some funds are spent into the negative even without statutory permission. SDCL 41-20A-8 created the state fire suppression special revenue fund, "which is . . . appropriated for the payment of costs incurred by the state wildland fire coordinator in suppressing and extinguishing forest and wildland fires and emergency rangeland fires[.]" among other purposes. Since at least 2017, this fund has been allowed to spend moneys not credited to it. Even though extra general funds are appropriated to it every year, it consistently remains at a negative balance despite the fund's continued use.

Legal Precedent for Continuous Appropriations

The Supreme Court first put forward the idea an appropriation need not be tied to an amount in *Anderson*,²⁸ in which a writ of prohibition was sought against the State Auditor from drawing and issuing warrants on the State Treasurer against certain newly created funds. The Supreme Court did not accept the argument that no limit on the amounts that could be appropriated made the applicable funds unconstitutional, saying, "[T]hough it may be an unwise policy that has been pursued by the Legislature in placing in the hands of the executive officers of the state the expenditure of moneys unlimited in amount, . . . if such legislation is unwise, the remedy must be sought from the Legislature itself[.]"²⁹

Accordingly, there exists no prohibition on the Legislature to appropriate an indeterminate amount of money as long as all appropriations still conform with Article XII, § 7 of the Constitution requiring a balanced budget every year.

Confirmation that continuous appropriations must conform with all constitutional requirements for appropriations was made in *Kelly*,³⁰ which applied Article XII, § 2 of the Constitution to a continuous appropriation for the support and maintenance of the Liquor Control Commission and the Department of Justice and Public Safety. There, the Supreme Court concluded, "Whether revenue in the state treasury is derived from general taxation, from license fees, or other sources, we are of the opinion that the provisions of section 2, article 12, apply."³¹

Thus, "[t]o uphold a special appropriation bill providing funds for separate and distinct departments, institutions, or agencies of the state government is to permit the objectionable practice at which the constitutional provision under consideration is directed."³²

The Supreme Court has continued to recognize continuous appropriations regardless of form. In *State ex rel. Maloney v. Wells*,³³ the Supreme Court found a statute saying, "Moneys which are deposited or paid into this fund shall be continuously available to the Unemployment Compensation Commission for expenditure in accordance with the provisions of this chapter," established a continuing appropriation for a definite purpose enforceable under South Dakota law. Later, the Court decided in favor of the existence of additional continuous appropriations in *Candee Const. Co.*³⁴ and *Duxbury*³⁵ without issue.

²⁶ SDCL 4-8-3.

²⁷ See, e.g., SDCL 33-12-32 ("[E]xpenditures do not come within any restrictions governing payment of expenses incurred in a previous year. The special militia fund may be used to discharge any just or lawful debt properly contracted for National Guard purposes, whether of the ensuing or previous fiscal years.").

²⁸ 146 N.W. at 703–04.

²⁹ *Id.* at 705.

³⁰ 274 N.W. at 322–23.

³¹ *Id.* at 323.

³² *Id.*

³³ 112 N.W.2d 601, 606 (S.D. 1961).

³⁴ 447 N.W.2d at 344.

³⁵ 490 N.W.2d at 745.



Most recently, the Supreme Court decided *Apa*,³⁶ which addressed transferring money from a continuous appropriation to the general fund for a new purpose. The Court held, "[I]t is clear that the legislature may transfer money subject to a prior continuing appropriation in a special fund to the general fund and reappropriate that money for new purposes."³⁷ Only money subject to the continuous appropriation was repurposed, leaving the statutes creating the continuous appropriations unchanged.³⁸

Since *Apa*, the Supreme Court has not decided any other cases involving continuous appropriations and has thus not made any other affirmative statements as to their use under South Dakota law. The Supreme Court has never questioned the existence of continuous appropriations in the state and has been given no reason to do so through today.

Why Continuous Appropriations Endure

Despite strong footing for continuous appropriations in South Dakota, there yet exists no explicit recognition for such appropriations within the Constitution. Nevertheless, continuous appropriations have a long history, with courts remaining deferential to their use by legislatures.³⁹

Continuous appropriations in South Dakota and other states find their support through open-ended constitutions directing only that appropriations must be made "by law[.]"⁴⁰ Continuous appropriations have been a feature of not just state governments, but also the federal government, from the point of their inception.⁴¹ Precedent suggests courts have allowed continuous appropriations in the course of granting legislatures wide berth to act with the power granted to them by the people.

Several states, however, have rejected the concept of continuous appropriations entirely. Unlike South Dakota, these states have a provision in law making continuous appropriations unworkable on face.

In *Menefee v. Askew*,⁴² the Oklahoma Supreme Court, in reviewing the constitutionality of continuous appropriations, referenced Article V, § 5 of the Oklahoma Constitution: "No money shall ever be paid out of the treasury of this State, nor any of its funds, . . . except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act[.]" Due to this provision, any "appropriation is effective only for 2 ½ years after the passage of said act by the Legislature."⁴³

Looking outside a constitution, in *St. Louis Cty. v. State*,⁴⁴ the Missouri Court of Appeals referenced Mo. Rev. Stat. § 33.065 to reject a proposed continuous appropriation, as the statute "prohibits the making of an appropriation that extends the obligation to pay into future fiscal years, beyond the fiscal year to which the obligation relates."⁴⁵

In a similar vein, in *People ex rel. Millner v. Russel*,⁴⁶ the Illinois Supreme Court noted, "Under our Constitution (section 18 of article 4) the period for which the General Assembly is required to make appropriations is 'until the

³⁶ 638 N.W.2d at 64.

³⁷ *Id.* at 64.

³⁸ *Id.* at 65.

³⁹ See, e.g., *Constitutional Law-Legislative Powers: Appropriations-Continuing Allocation from Special Fund Held Valid Despite Constitutional Limitation of Two Years on Appropriations*, 62 Harv. L. Rev. 128, 129 (1948) ("[T]he judicial trend has been to accept the continuing appropriation as a contemporary necessity.").

⁴⁰ S.D. Const., Art. XII, § 1; see also *White v. Davis*, 68 P.3d 74, 82 (Cal. 2003) ("Similarly, article XVI, section 7, simply provides that money may be drawn from the treasury 'only through an appropriation *made by law*. . . .' That provision does not limit the form in which an appropriation may be adopted.").

⁴¹ See *In re Continuing Appropriations*, 32 P. 272, 272 (Colo. 1893).

⁴² 107 P. 159, 162 (Okla. 1910).

⁴³ *Id.*

⁴⁴ 482 S.W.3d 842, 847 (Mo. Ct. App. 2016).

⁴⁵ *Id.*

⁴⁶ 142 N.E. 537, 542 (Ill. 1924).



expiration of the first fiscal quarter after the adjournment of the next regular session.' " Thus, "A continuing appropriation beyond that period cannot be made by the General Assembly."⁴⁷ However, a new Illinois Constitution was adopted in 1970, which no longer contained the referenced provision. Without such a limitation, the Illinois Supreme Court subsequently found that there was no longer a ban on continuous appropriations.⁴⁸

As the case law above indicates, whether by statute or by constitution, states finding the use of continuous appropriations unenforceable only did so when explicitly prohibited from appropriating money for an unlimited amount of time.

Conclusion

While "[n]o money shall be paid out of the treasury except upon appropriation by law[,]"⁴⁹ South Dakota law allows for the Legislature to use continuous appropriations as part of its broad lawmaking authority. Despite their regular use, continuous appropriations have yet to follow a discernable pattern beyond their continuous nature.

Due to their amorphous nature, continuous appropriations run the risk of escaping legislative oversight, especially considering how many now exist. But their use has persisted through 2020 regardless. For now, the continuous appropriations already in place will, as their name suggests, endure.

Appendix

Below is a chart of the known continuous appropriations active in South Dakota for specific funds. The year refers to the date when the statute in question was enacted and may not be the same year that a continuous appropriation for the fund was enacted. Other continuous appropriations exist related to a specific purpose but not a specific fund and are not included here.

This issue memorandum was written by Joey Knofczynski, Fiscal Analyst, on November 18, 2021 for the Legislative Research Council. It is designed to provide background information on the subject and is not a policy statement made by the Legislative Research Council.

⁴⁷ *Id.*

⁴⁸ *People ex rel. Ogilvie v. Lewis*, 274 N.E.2d 87, 96 (Ill. 1971).

⁴⁹ S.D. Const., Art. XII, § 1.



Fund Name	Enacting Statute	Year	Administering Agency
Interest and Income Fund	SDCL 5-10-1	1911	School and Public Lands
Department of Game, Fish and Parks Fund	SDCL 41-2-35	1939	Department of Game, Fish and Parks
Board of Dentistry Account	SDCL 36-6A-7	1939	Department of Health
Board of Nursing Account	SDCL 36-9-25	1939	Department of Health
Board of Pharmacy Account	SDCL 36-11-63	1939	Department of Health
Board of Chiropractic Examiners Account	SDCL 36-5-6	1939	Department of Health
Board of Funeral Service Account	SDCL 36-19-7	1939	Department of Health
Board of Examiners in Optometry Account	SDCL 36-7-4	1939	Department of Health
Board of Podiatry Examiners Account	SDCL 36-8-4	1939	Department of Health
Board of Abstracters Account	SDCL 36-13-3	1939	Department of Labor and Regulation
Board of Barber Examiners Account	SDCL 36-14-7	1939	Department of Labor and Regulation
Cosmetology Commission Fund	SDCL 36-15-9	1939	Department of Labor and Regulation
Private Workers Compensation Fund	SDCL 62-5-5	1939	Department of Labor and Regulation
Tuition and Fees Fund	SDCL 13-53-15	1939	Board of Regents
Radio Communications Fund	SDCL 1-13-4	1945	Bureau of Information and Technology
Wheat Commission Fund	SDCL 38-10-35	1961	Department of Agriculture and Natural Resources
Health Special Services Fund	SDCL 34-1-23	1961	Department of Health
Electrical Commission Fund	SDCL 36-16-10	1963	Department of Labor and Regulation
Board of Hearing Aid Dispensers and Audiologists Account	SDCL 36-24-11	1968	Department of Health
Board of Nursing Facility Administrators Account	SDCL 36-28-25	1969	Department of Health
Board of Social Work Examiners Account	SDCL 36-26-43	1975	Department of Social Services
Board of Examiners of Psychologists Account	SDCL 36-27A-37	1976	Department of Social Services
Law Enforcement Officers Training Fund	SDCL 23-3-55	1977	Attorney General



Fund Name	Enacting Statute	Year	Administering Agency
Board of Medical and Osteopathic Examiners Fund	SDCL 36-4B-30	1978	Department of Health
Plumbing Commission Fund	SDCL 36-25-13.1	1978	Department of Labor and Regulation
Railroad Trust Fund	SDCL 49-16C-7	1981	Department of Transportation
Environment and Natural Resources Fee Fund	SDCL 45-6D-58	1982	Department of Agriculture and Natural Resources
Reclamation Fund	SDCL 45-6B-69	1982	Department of Agriculture and Natural Resources
Soybean Checkoff Fees Fund	SDCL 38-29-6	1984	Department of Agriculture and Natural Resources
Board of Veterinary Medical Examiners Fund	SDCL 36-12-8.1	1986	Department of Agriculture and Natural Resources
Lottery Operating Fund	SDCL 42-7A-22	1987	Department of Revenue
Energy Conservation Loan Special Revenue Fund	SDCL 1-33B-18	1988	Governor's Office of Economic Development
BIT Computer Equipment Renewal and Replacement Fund	SDCL 1-33-47	1988	Bureau of Information and Technology
Regulated Substance Response Fund	SDCL 34A-12-3	1988	Department of Agriculture and Natural Resources
Petroleum Release Compensation Fund	SDCL 34A-13-32	1988	Department of Agriculture and Natural Resources
Agricultural Mediation Operating Fund	SDCL 54-13-5	1988	Department of Agriculture and Natural Resources
Corn Checkoff Fees Fund	SDCL 38-32-12	1988	Department of Agriculture and Natural Resources
South Dakota Gaming Commission Fund	SDCL 42-7B-48	1989	Department of Revenue
South Dakota 911 Coordination Fund	SDCL 34-45-12	1989	Department of Public Safety
Telecommunication Fund for the Deaf	SDCL 49-31-50	1989	Department of Human Services
Telecommunication Fund for Other Disabilities	SDCL 49-31-50	1989	Department of Human Services
Hazardous Waste Revolving Fund	SDCL 34A-11-24	1990	Department of Agriculture and Natural Resources
Local Government Transportation Technology Transfer Fund	SDCL 31-11-36	1991	Department of Transportation



Fund Name	Enacting Statute	Year	Administering Agency
Pesticide Recycling and Disposal Fund	SDCL 38-20A-56	1992	Department of Agriculture and Natural Resources
Real Estate Commission Fund	SDCL 36-21A-23	1992	Department of Labor and Regulation
Fund for Registration of Interpreters for the Deaf	SDCL 1-36A-13	1993	Department of Human Services
One-Call Notification Fund	SDCL 49-7A-2	1993	Public Utilities Commission
Unclaimed Property Trust Fund	SDCL 43-41B-24.1	1993	State Treasurer
Department of Labor and Regulation Special Revenue Fund	SDCL 60-5-18	1994	Department of Labor and Regulation
Cigarette Stamp Purchasing Fund	SDCL 10-50-59	1994	Department of Revenue
Pipeline Safety Account	SDCL 49-34B-9	1994	Public Utilities Commission
Ethanol Fuel Fund	SDCL 10-47B-164	1995	Department of Revenue
Insurance Examination Fund	SDCL 58-3-3.2	1997	Department of Labor and Regulation
Sportsmen's Access and Landowner Depredation fund	SDCL 41-2-34.2	1998	Department of Game, Fish and Parks
Environmental Livestock Cleanup Fund	SDCL 34A-2B-2	1998	Department of Agriculture and Natural Resources
911 Telecommunicator Training Fund	SDCL 34-45-31	1998	Attorney General
Board of Technical Professions Fund	SDCL 36-18A-21	1999	Department of Labor and Regulation
Insurance Fraud Prevention Unit Fraud	SDCL 54-4A-8	1999	Department of Labor and Regulation
Pork Checkoff Fees Fund	SDCL 38-33-7	2001	Department of Agriculture and Natural Resources
Financing Statement and Annual Report Filing Fee Fund	SDCL 57A-9-527	2001	Secretary of State
Board of Accountancy Fund	SDCL 36-20B-7	2002	Department of Labor and Regulation
Hagen-Harvey Memorial Scholarship Fund	SDCL 13-55-44	2003	Department of Education
Extraordinary Litigation Fund	SDCL 1-14-3.1	2004	Bureau of Administration
Board of Alcohol and Drug Professionals Account	SDCL 36-34-9	2004	Department of Social Services
Board of Massage Therapy Fund	SDCL 36-35-9	2005	Department of Health
Abortion Facility Licensing Fund	SDCL 34-23A-50	2006	Department of Health
Grain and Warehouse Fund	SDCL 49-43-52	2008	Public Utilities Commission



Fund Name	Enacting Statute	Year	Administering Agency
Ethanol Infrastructure Incentive Fund	SDCL 10-47B-164.1	2011	Governor's Office of Economic Development
Board of Examiners for Speech-Language Pathology Fund	SDCL 36-37-13	2012	Department of Health
Reinvestment Payment Fund	SDCL 1-16G-64	2013	Governor's Office of Economic Development
Forestry Fund	SDCL 41-20-22	2013	Department of Agriculture and Natural Resources
Boxing Commission Fund	SDCL 42-12-11	2013	Department of Labor and Regulation
Property & Casualty Captive Insurance Company Fund	SDCL 5-14-39	2015	Bureau of Administration
Liability Captive Insurance Company Fund	SDCL 5-14-40	2015	Bureau of Administration
Local Bridge Improvement Grant Fund	SDCL 32-11-38	2015	Department of Transportation
Trust Company Receivership and Liquidation Captive Insurance Company Fund	SDCL 51A-6A-67	2016	Department of Labor and Regulation
Nutrient Research and Education Fund	SDCL 38-19-48	2016	Department of Agriculture and Natural Resources
Board of Certified Professional Midwives Fund	SDCL 36-9C-20	2017	Department of Health
Federal Grants and Contracts Fund	SDCL 13-49-36	2017	Board of Regents
Technical College Equipment Fund	SDCL 13-39A-29	2017	Board of Technical Education
Public Safety 911 Emergency Fund	SDCL 34-45-8.7	2018	Department of Public Safety
Riot Boosting Recovery Fund	SDCL 20-9-57	2019	Department of Public Safety
PEACE Fund	SDCL 34-53-2	2019	Department of Public Safety
Board of Counselor Examiners Fund	SDCL 36-32-54	2020	Department of Social Services

