

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0423

HOUSE BILL NO. 1044

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to repeal certain statutes relating to the Bureau of
2 Intergovernmental Relations.

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

4 Section 1. That § 11-1-1 be repealed.

5 ~~11-1-1. Terms used in this chapter unless the context otherwise plainly requires shall mean:~~

6 ~~(1) "State comprehensive development plan" means the plan or plans for the orderly and~~
7 ~~coordinated growth and development of the state. Such plan shall be based upon~~
8 ~~physical, social, cultural, economic, governmental, and other data relating to state~~
9 ~~development, and shall include plans for natural resources, land use, and related~~
10 ~~activities;~~

11 ~~(2) "Unit of local government" means a county, city, town, township, metropolitan~~
12 ~~regional agency, authority, school district, or other special district;~~

13 ~~(3) "Bureau," the Bureau of Intergovernmental Relations;~~

14 ~~(4) "Planning and development district," an area-wide planning organization,~~
15 ~~representing and comprised of more than one local political subdivision which has~~



1 been certified by the bureau as the general purpose planning organization for a given
2 geographical area.

3 Section 2. That § 11-1-2 be repealed.

4 ~~11-1-2. The name of the State Planning Bureau created in chapter 1-33, is changed to the~~
5 ~~Bureau of Intergovernmental Relations. The bureau is established for the purpose of~~
6 ~~effectuating, directing, and correlating the state and local planning activities in furtherance of~~
7 ~~the purposes of this chapter. The administrative head of the bureau shall be the state~~
8 ~~commissioner of planning, appointed by the Governor to serve at his pleasure. No person shall~~
9 ~~be eligible for appointment as state commissioner of planning who is not qualified by training~~
10 ~~or experience in state and local planning. The salary of the commissioner shall be fixed by the~~
11 ~~Governor.~~

12 Section 3. That § 11-1-2.1 be repealed.

13 ~~11-1-2.1. The former State Planning Agency shall comprise the Bureau of Intergovernmental~~
14 ~~Relations within the Department of Executive Management, and all its functions shall be~~
15 ~~performed by the Department of Executive Management as provided by § 1-33-6, except that~~
16 ~~the State Planning Commission shall retain, and be limited to, advisory functions (as defined~~
17 ~~in § 1-32-1) with respect to programs associated with it.~~

18 Section 4. That § 11-1-6 be repealed.

19 ~~11-1-6. The commissioner of planning is hereby authorized with the approval of the~~
20 ~~Governor to employ and fix the salaries of such other personnel and agents as he may deem~~
21 ~~necessary to discharge the duties prescribed by this chapter.~~

22 Section 5. That § 11-1-7 be repealed.

23 ~~11-1-7. The state commissioner of planning and other personnel in the Bureau of~~
24 ~~Intergovernmental Relations shall be allowed their actual and necessary travel and subsistence~~

1 ~~expenses, at the same rate as for other employees of state government.~~

2 Section 6. That § 11-1-8 be repealed.

3 ~~—11-1-8. The commissioner of planning is authorized with the approval of the Governor to~~
4 ~~purchase and acquire equipment and supplies he deems necessary to perform his duties.~~

5 Section 7. That § 11-1-9 be repealed.

6 ~~—11-1-9. The Bureau of Intergovernmental Relations, under the direction and control of the~~
7 ~~Governor and in consultation with the State Planning Commission, shall prepare and maintain~~
8 ~~the state comprehensive development plan, or plans or parts of plans which comprise the state~~
9 ~~comprehensive development plan. Such plan shall be prepared in cooperation with the various~~
10 ~~departments and agencies of the state and representatives of units of local government. Upon~~
11 ~~completion and approval by the State Planning Commission of the plan or any substantial phase~~
12 ~~thereof, copies shall be transmitted to the Governor and to the Legislature. Subsequent revisions~~
13 ~~and changes in the plan or parts of the plan shall be made as necessary, utilizing the same~~
14 ~~procedure as for preparation of state comprehensive development plans herein provided.~~

15 Section 8. That § 11-1-10 be repealed.

16 ~~—11-1-10. The Bureau of Intergovernmental Relations, under the direction and control of the~~
17 ~~Governor and in consultation with the State Planning Commission, shall coordinate the planning~~
18 ~~activities of other state agencies and departments in regard to the physical and economic~~
19 ~~development of the state. To this end, all plans prepared by other state departments and~~
20 ~~agencies, shall be submitted for review and comment by the Bureau of Intergovernmental~~
21 ~~Relations, with a view towards improving coordination and preventing duplication of efforts.~~
22 ~~Such plan shall be considered as a basis for budget recommendations to the Legislature under~~
23 ~~the provisions of chapter 4-7.~~

24 Section 9. That § 11-1-11 be repealed.

1 ~~11-1-11. The Bureau of Intergovernmental Relations, under the direction and control of the~~
2 ~~Governor and in consultation with the State Planning Commission, shall assist, upon request~~
3 ~~of the governing body of any unit of local government, in developing comprehensive planning~~
4 ~~for such units of local government and shall coordinate such efforts with the state~~
5 ~~comprehensive development plan. Such local planning assistance shall include, but not be~~
6 ~~limited to, surveys, land use studies, urban renewal, and technical services relating to planning.~~
7 ~~Any expenses incurred by the Bureau of Intergovernmental Relations in providing such planning~~
8 ~~assistance shall be reimbursed by the unit of local government requesting and receiving such~~
9 ~~assistance.~~

10 Section 10. That § 11-1-12 be repealed.

11 ~~11-1-12. The Bureau of Intergovernmental Relations, under the direction and control of the~~
12 ~~Governor and in consultation with the State Planning Commission, shall cooperate with other~~
13 ~~states and the federal government and its agencies to facilitate coordination in planning and~~
14 ~~economic development.~~

15 Section 11. That § 11-1-13 be repealed.

16 ~~11-1-13. The Bureau of Intergovernmental Relations may receive and expend funds from~~
17 ~~municipal, county, regional, and other units of government and may accept and disburse grants~~
18 ~~and other aids for any appropriate planning purpose from the federal government and from other~~
19 ~~public or private sources, and may enter into contracts with agencies of the federal government,~~
20 ~~local government units, and private persons or others as may be necessary in the planning~~
21 ~~assistance functions of the bureau.~~

22 Section 12. That § 11-1-14 be repealed.

23 ~~11-1-14. Departments and agencies of the state shall submit semiannually to the Bureau of~~
24 ~~Intergovernmental Relations, a report on methods of, progress on, and implementation of the~~

1 ~~development plan in their respective functional areas. The commissioner shall evaluate the~~
2 ~~reports and submit to the Governor any recommendations necessary for furthering the~~
3 ~~implementation of the plan. The bureau shall coordinate the physical and economic~~
4 ~~development of the state through its comments and recommendations to the Governor and the~~
5 ~~state budget officer.~~

6 Section 13. That § 11-1-16 be repealed.

7 ~~— 11-1-16. The state commissioner of planning is hereby authorized with the approval of the~~
8 ~~State Planning Commission and the Governor to issue such rules and regulations as deemed~~
9 ~~necessary for the carrying out of the provisions and intent of this chapter.~~

10 Section 14. That § 11-1-17 be repealed.

11 ~~— 11-1-17. The Bureau of Intergovernmental Relations shall furnish, upon request, any~~
12 ~~information, data, or statistics which it has compiled to the Governor, the Legislature, or the~~
13 ~~Legislative Research Council.~~

14 Section 15. That § 11-1-18 be repealed.

15 ~~— 11-1-18. Nothing contained in this chapter shall operate in derogation of planning powers~~
16 ~~conferred by the Constitution or laws of this state upon departments, boards, commissions,~~
17 ~~agencies, or instrumentalities of state, county, or municipal government.~~

18 Section 16. That § 11-1-19 be repealed.

19 ~~— 11-1-19. This chapter shall be known and may be cited as the "State Planning Act."~~

20 Section 17. That § 4-8B-2 be repealed.

21 ~~— 4-8B-2. Terms as used in this chapter, unless the context otherwise requires, mean:~~

22 ~~— (1) — "Application," a written request to a federal agency for grant-in-aid funds;~~

23 ~~— (2) — "Federal grant," any financial assistance made to a state agency by an agency of the~~
24 ~~United States government, whether a loan, gift, grant, contract, or in any other form;~~

1 ~~—(3)— "State agency," any department, division, agency, bureau, or board of state~~
2 ~~government eligible to apply for and receive federal funds;~~

3 ~~—(4)— "State central information reception agency," the bureau of intergovernmental~~
4 ~~relations;~~

5 ~~—(5)— "State clearinghouse," the bureau of intergovernmental relations;~~

6 ~~—(6)— "State plan," the statement of goals, objectives, and programs designed to define and~~
7 ~~accomplish the mission of the state agency for which it is made.~~

8 Section 18. That § 4-8B-4 be repealed.

9 ~~—4-8B-4. Any state agency which makes application will submit a copy of its application to~~
10 ~~the state clearinghouse prior to submission to a federal agency. The form and procedure of~~
11 ~~submission will conform with requirements specified by the state clearinghouse. These~~
12 ~~requirements shall not exceed the requirements placed on the state clearinghouse by the federal~~
13 ~~government.~~

14 Section 19. That § 4-8B-5 be repealed.

15 ~~—4-8B-5. The state agency may proceed with its application if the state clearinghouse has not~~
16 ~~received objections to the application within thirty days from the time the application was~~
17 ~~received by the state clearinghouse; provided however, that the state agency may proceed with~~
18 ~~its application in less than the prescribed thirty days if the state clearinghouse notifies the agency~~
19 ~~that all review and comment procedures specified under this chapter are completed.~~

20 Section 20. That § 4-8B-6 be repealed.

21 ~~—4-8B-6. If the state clearinghouse receives objections to an application, it shall work with~~
22 ~~the applicant and all interested parties in an effort to draft an application which will be~~
23 ~~acceptable. If no agreement can be reached within thirty days, the state clearinghouse will within~~
24 ~~the following five days transmit all review comments to the federal agency along with the~~

1 application.

2 Section 21. That § 4-8B-7 be repealed.

3 ~~—4-8B-7. The state agency shall submit copies of any substantive revisions to an application~~
4 ~~to the state clearinghouse. The state agency may proceed with the application if the state~~
5 ~~clearinghouse, after following procedures established in § 4-8B-8, makes no objection within~~
6 ~~fifteen days.~~

7 Section 22. That § 4-8B-8 be repealed.

8 ~~—4-8B-8. The state clearinghouse will clear the application if, after consultation with the~~
9 ~~Legislature through procedures established by the Executive Board of the Legislative Research~~
10 ~~Council, Bureau of Finance and Management, other appropriate state agencies, and the~~
11 ~~appropriate planning and development district, it determines that the application is for an~~
12 ~~activity which is in conformance with all appropriate state plans, is not in conflict with any such~~
13 ~~policies or plans, is in conformance with the policies and fiscal plans established by the~~
14 ~~Governor and Legislature, or if there is no policy or plan covering the subject of the grant.~~

15 Section 23. That § 4-8B-9 be repealed.

16 ~~—4-8B-9. When a state agency is notified by a federal agency that a grant has been awarded~~
17 ~~it shall immediately notify the state central information reception agency. This notification shall~~
18 ~~conform to the procedures established by the state central information reception agency. These~~
19 ~~procedures shall not exceed the requirements placed on the state central information reception~~
20 ~~agency by the federal government.~~