

AN ACT

ENTITLED, An Act to revise certain funding provisions of the building South Dakota fund.

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

Section 1. That § 1-16G-47 be amended to read as follows:

1-16G-47. There is hereby created the building South Dakota fund for the purpose of building and reinvesting in South Dakota's economy and to create high quality jobs. Any money in the building South Dakota fund is continuously appropriated to the Bureau of Finance and Management. The state may accept and expend for the purposes of this chapter any funds obtained from appropriations or any other source. Interest earned on money in the fund shall be deposited into the fund.

If the Board of Economic Development approves a new or expanded facility with project costs exceeding twenty million dollars to receive a reinvestment payment pursuant to the provisions of §§ 1-16G-56 to 1-16G-68, inclusive, the Department of Revenue shall deposit all of the contractor's excise tax imposed and paid pursuant to the provisions of chapter 10-46A or 10-46B on the project costs into the building South Dakota fund.

Section 2. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of §§ 4-7-32 and 4-7-39, on July first of each fiscal year or at such time that the prior fiscal year general fund ending unobligated cash balance is determined, the commissioner of the Bureau of Finance and Management shall transfer all prior year unobligated cash as follows:

- (1) If the combined cash balance is less than ten percent of the general fund appropriations from the general appropriations act for the prior year, an amount of unobligated cash shall be transferred to the budget reserve fund, so that the combined cash balance equals ten percent of the general appropriations from the general appropriations act for the prior

year;

- (2) If the combined cash balance is equal to or greater than ten percent of the general fund appropriations from the general appropriations act for the prior year, or there is additional unobligated cash after the provisions in subdivision (1) are satisfied, an amount of unobligated cash shall be transferred to the building South Dakota fund, so that the collective BSDF cash balance does not exceed one percent of the general fund appropriations in the general appropriations act for the previous fiscal year; and
- (3) If the collective BSDF cash balance exceeds one percent of the general fund appropriations in the general appropriations act for the previous year, or if there is additional unobligated cash remaining after the transfers in subdivisions (1) and (2), the remaining unobligated cash shall be transferred to the budget reserve fund and property tax reduction fund pursuant to the provisions of §§ 4-7-32 and 4-7-39.

Section 3. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as follows:

If the collective BSDF cash balance is less than one half percent of the general fund appropriations in the general appropriations act for the previous fiscal year, the commissioner shall transfer an amount of money from the property tax reduction fund to the building South Dakota fund so that the total of the amount deposited pursuant to this section and section 2 of this Act does not exceed one half percent of the general fund appropriations in the general appropriations act for the previous fiscal year. However, the combined cash balance may not be reduced to less than ten percent of the general fund appropriations from the general appropriations act for the prior year by any transfer made to the building South Dakota fund pursuant to this section.

Section 4. That chapter 4-7 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in sections 2 and 3 of this Act mean:

- (1) "Collective BSDF cash balance," the total cash balance of the:

- (a) Building South Dakota fund;
 - (b) Local infrastructure improvement grant fund;
 - (c) Economic development partnership fund;
 - (d) Workforce education fund;
 - (e) South Dakota housing opportunity fund; and
 - (f) Funds disbursed pursuant to the provisions of subdivision 1-16G-48(5);
- (2) "Combined cash balance," the total cash balance of the:
- (a) Budget reserve fund at the end of the prior fiscal year; and
 - (b) Property tax reduction fund at the end of the prior fiscal year.

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I certify that the attached Act
originated in the

SENATE as Bill No. 158

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 158
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State