State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

509B0214

SENATE LOCAL GOVERNMENT

ENGROSSED NO. SB 103 - 2/6/2019

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Novstrup, Maher, Schoenbeck, Stalzer, and Wismer and Representatives Perry, Brunner, Chase, McCleerey, and Smith (Jamie)

FOR AN ACT ENTITLED, An Act to provide for an annual transfer of certain unobligated state general funds into the local bridge improvement grant fund.

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

Section 1. That § 4-7-31 be amended to read:

4-7-31. There is hereby established within the state treasury the budget reserve fund. Expenditures from the budget reserve fund may occur only by special appropriation of the Legislature and only to redress unforeseen expenditure obligations or unforeseen revenue shortfalls, as may constitute an emergency pursuant to S.D. Const., Art. III, § 1.

Section 2. That § 4-7-32 be amended to read:

4-7-32. On July first of each fiscal year, or at such time ~~that~~ as 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 ~~up to an amount equal to ten percent of the general fund appropriations from the general appropriation act for the prior fiscal year into the budget reserve fund. In no event shall the cash balance in the budget reserve fund~~

100 copies were printed on recycled paper by the South Dakota Legislative Research Council at a cost of $.167 per page.

Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

~~be greater than ten percent of the general fund appropriations from the general appropriation act for the prior fiscal year.~~

~~Expenditures out of the budget reserve fund shall only be by special appropriation of the Legislature and shall only redress such unforeseen expenditure obligations or such unforeseen revenue shortfalls as may constitute an emergency pursuant to S.D. Const., Art. III, § 1~~ as follows:

(1) If the combined cash balance of the budget reserve fund and the general revenue replacement fund is less than ten percent of 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 of the funds equals ten percent of the General Appropriations Act for the prior year;

(2) If any unobligated cash balance remains after the requirements of subdivision (1) are met, the commissioner of the Bureau of Finance and Management shall transfer twenty-five percent of any unobligated cash remaining into the local bridge improvement grant fund created by § 32-11-38;

(3) After the requirements of subdivision (2) are met, the commissioner of the Bureau of Finance and Management shall transfer any unobligated cash remaining into the budget reserve fund if the amount in the budget reserve fund does not exceed fifteen percent of the general fund appropriations in the General Appropriations Act for the prior fiscal year;

(4) If any unobligated cash balance remains after the requirements of subdivision (3) are met, the commissioner of the Bureau of Finance and Management shall transfer the remaining amount into the general revenue replacement fund.

Section 3. That § 4-7-39 be repealed.

~~4-7-39. The commissioner of the Bureau of Finance and Management shall transfer any unobligated cash remaining after the transfer into the budget reserve fund as required by § 4-7-32 into the general revenue replacement fund if the amount in the general revenue replacement fund does not exceed fifteen percent of the general fund appropriations in the General Appropriations Act for the previous fiscal year.~~