

2025 South Dakota Legislature

House Joint Resolution 5007

Introduced by: Representative Gosch 1 A JOINT RESOLUTION, Proposing and submitting to the voters at the next general 2 election a law transfer the state accounting system from the Bureau of 3 Finance and Management to the state auditor and amend provisions 4 pertaining to the Bureau of Finance and Management. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA: 5 6 **Section 1.** That at the next general election held in the state, the following be submitted to 7 the electors of the state for their approval: 8 An ACT to transfer the state accounting system from the Bureau of Finance and 9 Management to the state auditor and amend provisions pertaining to the 10 **Bureau of Finance and Management.** 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA: 12 Section 1. That a NEW SECTION be added to chapter 1-9: 13 For the purposes of this chapter, "state accounting system" means the total structure of records and procedures that identify, record, classify, summarize, and report 14

Section 2. That a NEW SECTION be added to chapter 1-9:

The state auditor shall provide the Bureau of Management and Budget with the amounts and classifications of moneys received or disbursed pursuant to the operation of a state agency, as defined in § 1-26-1, upon request by the commissioner of management and budget.

information on payments made, revenues received, and the financial position and results

of operating the funds, accounts, and organizational components of this state.

Section 3. That § 4-4-5 be AMENDED:

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4-4-5. The <u>commissioner of finance and management state auditor</u> may authorize and direct the <u>state auditor and</u> state treasurer to account for funds in the state treasury as separate accounts in lieu of funds, and the. The auditor shall modify the fund structure may be modified to conform to a uniform the state accounting system.

Section 4. That § 4-4-6 be AMENDED:

4-4-6. The <u>Bureau of Finance and Management state auditor</u> shall annually prepare financial statements for <u>the State of South Dakota this state</u>. The financial statements <u>shall must</u> be prepared in accordance with generally accepted accounting principles.

Section 5. That § 4-5-30 be AMENDED:

4-5-30. The state investment officer, utilizing the facilities of the state budgetary accounting system, as defined in section 1 of this Act, shall pool cash accounts within the funds enumerated in § 4-5-23. The Appropriations Committee of the Legislature special legislative committee established in § 4-8A-2, upon recommendations from the commissioner of finance and management and budget, shall certify those funds which that are to participate in the interest income of the pooled investments. The state investment officer shall credit the gain or interest due as a result of investments made pursuant to § 4-5-29 on a pro rata basis to the participating funds in the same ratio as the average daily cash balance of each fund bears to the total average cash balance of all funds.

If requested by the state investment officer during each fiscal year, the state treasurer—shall_must transfer money from the South Dakota retirement fund, health care trust fund, education enhancement trust fund, the trust fund derived from the sale of state cement enterprises, the general fund portion of the pooled income account for the permanent school and other educational fund provided for in S.D. Const., Art. VIII, and any other specific fund approved by the Bureau of—Finance and Management and Budget, other than the state pooled fund, to the investment council expense account in an amount not to exceed the ratio of the average assets in each fund for the previous fiscal year to the total average assets managed by the investment council, other than the state pooled fund, for the previous fiscal year multiplied by the difference between the budget of the investment council for each fiscal year and the total of the current fiscal year beginning cash balance in the investment council expense account plus two hundredths of a percent of the prior fiscal year's average assets in the state pooled fund. If requested by the state investment officer during each fiscal year, the state treasurer—shall must transfer money

from the pooled income account to the investment council expense account in an amount not to exceed two hundredths of a percent of the prior fiscal year's average assets in the state pooled fund. The state investment officer may make multiple transfer requests during the fiscal year, with each request being proportionate among the funds, provided that the total transfers do not exceed the amounts provided by this section.

Section 6. That § 4-7-1 be AMENDED:

- **4-7-1.** Terms used in this chapter, unless the context otherwise requires, mean:
- (1) "Appropriation," an authorization by the Legislature to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure described in this chapter;
 - (2) "Budget," the complete financial plan for the state for the fiscal period as proposed in the budget report and modified and adopted by appropriation and revenue acts;
 - (3) "Budgetary system," the total structure of requested expenditure authority and allotted positions for employees in the general appropriation bill;
 - "Budget estimate," the statement with accompanying explanations, as provided in this chapter, in which a budget unit sets forth its financial requirements;
 - (4)(5) "Budget report," the recommendations of the Governor to the Legislature as to financial plans and appropriations to be requested, with the accompanying statements and explanations provided for in this chapter;
 - (5)(6) "Budget unit," a department, institution, commission, agency, board, examining board, or other unit of government for which separate appropriations, continuing appropriations, or other dedications or earmarking of funds are made, or which otherwise collects fees or funds of any nature under authority of any statute of this state;
 - (6)(7) "Classification of expenditures," one of the several definite kinds of expenditures denoting a class of service or commodities purchased or properties acquired as specified by the commissioner of finance and management and budget for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets. Such classification shall The classification must be by program, function, activity, organizational unit, character and object;
 - (7)(8) "General Appropriations Act appropriation bill," an act of the Legislature which that authorizes the expenditure of money from public funds for the ordinary current expenditures expenses of the executive, legislative, and judicial departments of

the state, the current expenses of state institutions, interest on the public debt, and for public common schools, as further defined by rules and regulations issued by the commissioner of finance and management; (8)(9) "Informational budget," the budget of any budget unit not receiving general fund appropriations; and (9)(10)"Special appropriations act," an act of the Legislature which that authorizes the expenditure of money from public funds for any purpose other than those purposes enumerated in the definition of the General Appropriations Act Appropriation Bill.

Section 7. That § 4-7-3 be AMENDED:

 4-7-3. The Governor, through the Bureau of Finance and Management and Budget, shall administer the budgetary system and shall supervise every public department, agency, commission, institution, and other governmental units, as is necessary to secure a uniform and standard classification of accounts and financial reports that will promote the efficient and accurate financial information necessary to conduct the fiscal affairs of state government.

The Governor may inquire into the methods of conducting the affairs of any public body, and may prescribe and direct the use of standard forms and uniform records of accounts and standard and uniform financial reports, including, if deemed advisable, an encumbrance system and an allotment system.

Section 8. That § 4-7-7 be AMENDED:

4-7-7. The head of each budget unit, not later than October fifteenth of each year, shall submit, on forms prescribed by the Bureau of Finance and Management and in the manner deemed appropriate, such explanatory data as required and necessary to adequately convey the budget requests, to the Bureau of Finance and Management estimates of the financial requirements of his budget unit for the next fiscal year. The estimates so submitted shall first receive the approval of the board or commission of each budget unit for which a board or commission is constituted. Not later than the November first following such submission, copies of such

Except for a budget unit under the authority of the Legislature, Unified Judicial System, attorney general, auditor, commissioner of school and public lands, secretary of state, or treasurer, the head of each budget unit shall, by September first of each year, submit to the Bureau of Management and Budget, the estimates of the financial requirements of the budget unit for the next fiscal year and all explanatory data required

to adequately convey the necessity of the budget request. If a budget unit is administered by a board or commission, the board or commission must approve the estimates before the estimates may be submitted to the bureau.

The director of the Legislative Research Council, chief justice of the Supreme Court, attorney general, auditor, commissioner of school and public lands, secretary of state and treasurer shall provide to the bureau the proposed budget that the director, chief justice, attorney general, auditor, commissioner, secretary of state, and treasurer, respectively, plans to submit to the Joint Committee on Appropriations during the next annual legislative session.

The bureau shall transmit copies of all explanatory data of the budget requests shall be transmitted to the Legislative Research Council by the Bureau of Finance and Management by October first.

Section 9. That § 4-7-7.1 be AMENDED:

4-7-7.1. All budget units, except for a budget unit under the authority of the Legislature, Unified Judicial System, attorney general, auditor, commissioner of school and public lands, secretary of state, or treasurer, shall submit to the Bureau of Finance and Management and Budget with their budget request a detailed plan of their goals and program activities.

Section 10. That § 4-7-32 be AMENDED:

4-7-32. 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 state auditor 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 bill for the prior fiscal year into the budget reserve fund. In no event—shall may the cash balance in the budget reserve fund be greater than ten percent of the general fund appropriations from the general appropriation—act_bill for the prior fiscal year.

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

Section 11. That § 4-7-39 be AMENDED:

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.

If the amount in the general revenue replacement fund does not exceed fifteen percent of the general fund appropriations in the general appropriation bill for the previous fiscal year, the chief financial officer of the state must transfer into the general revenue replacement fund, any unobligated cash remaining after the transfer made pursuant to § 4-7-32.

Section 12. That § 4-7-40 be AMENDED:

4-7-40. The <u>commissioner of the Bureau of Finance and Management state auditor</u> shall <u>report, upon request, provide</u> a condition statement for any fund in the state treasury. The <u>commissioner of the Bureau of Finance and Management shall provide condition statements</u> when requested by a legislative committee or a legislative committee chair.

Section 13. That § 4-7-41 be AMENDED:

4-7-41. For the purposes of this chapter, a condition statement is a document that identifies a fund's beginning balance, receipts, disbursements, and ending balance for each of the last two concluded fiscal years and that identifies a fund's beginning balance, projected receipts, projected disbursements, and ending balance for the current fiscal year and the next fiscal year. The fund's ending balance, for the current fiscal year and the next fiscal year, shall must represent the ending cash balance of the fund reduced by any money that is reappropriated to the next fiscal year along with any other commitments to be funded from the ending cash balance. Condition statement forms, prescribed by the Bureau of Finance and Management, shall be uniform The state auditor shall prescribe the form of a condition statement.

Section 14. That § 4-7-45 be AMENDED:

4-7-45. There is hereby established within the state treasury the general revenue replacement fund. The state treasurer shall transfer any funds remaining in the property tax reduction fund as of June 30, 2015, to the general revenue replacement fund. In fiscal

year 2016 and each year thereafter, the commissioner of <u>finance and</u> management <u>and</u> <u>budget</u> may <u>instruct the state auditor to</u> transfer moneys available from the general revenue replacement fund to the general fund <u>that are</u> necessary to balance the annual budget due to an unforeseen revenue shortfall.

Section 15. That § 4-8A-5 be AMENDED:

4-8A-5. The state auditor shall classify and code the appropriation amounts authorized as a result of the general appropriation act shall be classified and coded for budgetary accounting purposes in accordance with the provisions of chapter 4-7 appropriation bill for the purposes of the state accounting system, as defined in section 1 of this Act.

The commissioner of management and budget shall classify and code the appropriation amounts authorized as a result of the general appropriation bill for the purposes of the budgetary system, as defined in § 4-7-1.

Section 16. That § 4-8B-10 be AMENDED:

4-8B-10. Notwithstanding § 4-8-17, moneys and grants received from the United States or other grants or gifts of other—funds_moneys in excess of the amounts appropriated in the general appropriations act, shall appropriation bill, may not be deemed appropriated until after review by the special committee created by chapter 4-8A and then only with an affirmative vote on acceptance of—such funds_the moneys by a majority of the full membership of the special committee. Subsequent to an affirmative action on the part of the special committee, the Bureau of—Finance and Management shall Management and Budget must make the appropriate changes in the budgetary system, as defined in § 4-7-1, and the state auditor must make the appropriate changes in the budgetary state accounting system, as defined in section 1 of this Act.

The two houses of the Legislature may establish rules for the interpretation of this section through adoption of joint rules.

Section 17. That § 4-9-17 be AMENDED:

4-9-17. If a fund other than the general fund becomes nonexistent or is transferred to another fund by an act of the Legislature or by directive of any state department or institution, the commissioner of finance and management shall state auditor must retain sufficient money within the fund to pay all outstanding liabilities and

all outstanding warrants drawn against the fund until the warrants expire one hundred eighty days after their issuance. The commissioner of finance and management state auditor shall transfer any balance remaining in the nonexistent or transferred fund after the expiration period to the fund-if to which the original fund was previously transferred, or to the general fund if no other fund was designated.

Section 18. That § 4-10-3 be AMENDED:

4-10-3. The state <u>budgetary</u> <u>auditor shall administer the state</u> accounting system, <u>as defined in section 1 of this Act, and</u> shall keep an accurate account for revenues received and payments made from the state treasury for the state treasurer and state auditor.

The auditor shall prescribe and direct the use of standard forms, uniform records of accounts, and standard and uniform financial reports, including an encumbrance system and an allotment system.

Section 19. That § 4-10-4 be AMENDED:

4-10-4. At the beginning of each month, the Bureau of Finance and Management state auditor shall reconcile the state accounting system balances with the state treasurer's state bank account records. The state auditor shall submit a copy of the reconciliation to the state treasurer will receive a copy of the reconciliation as soon as it the reconciliation is completed.

Section 20. That § 4-10-6 be AMENDED:

4-10-6. The state auditor shall be provided in a timely manner, with a copy of all budgetary accounting reports from the Bureau of Finance and Management that he considers necessary to carry out the financial functions of his office. The state auditor shall review the budgetary state accounting system and may make recommendations for changes in the system to the Governor Legislature.

Section 21. That § 4-10-7 be AMENDED:

4-10-7. The state auditor shall—also keep records of all—such public accounts and other documents as have been or may be by law made returnable to—his_the auditor's office, and other vouchers relative to the business of—his_the auditor's office.

Section 22. That § 5-27-5 be AMENDED:

5-27-5. In fiscal year 2019, the Bureau of Finance and Management shall transfer each month fourteen and one half percent of the monthly state capital construction fund revenues from the state capital construction fund to the state highway fund. In fiscal year 2020, the Bureau of Finance and Management shall transfer each month twenty three percent of the monthly state capital construction fund revenues from the state capital construction fund to the state highway fund. In fiscal year 2021, the Bureau of Finance and Management shall transfer each month twenty nine percent of the monthly state capital construction fund revenues from the state capital construction fund to the state highway fund. In fiscal year 2022, the Bureau of Finance and Management shall transfer each month thirty four percent of the monthly state capital construction fund revenues from the state capital construction fund to the state highway fund. Beginning in fiscal year 2023 and each year thereafter, the Bureau of Finance and Management The state auditor shall transfer each month thirty-six percent of the monthly state capital construction fund revenues from the state capital construction fund to the state highway fund.

Section 23. That § 5-27-6 be AMENDED:

5-27-6. During fiscal year 2019, the Bureau of Finance and Management shall transfer each month sixty four percent of the monthly state capital construction fund revenues from the state capital construction fund to the water and environment fund. In fiscal year 2020, the Bureau of Finance and Management shall transfer each month sixty two percent of the monthly state capital construction fund revenues from the state capital construction fund to the water and environment fund. In fiscal year 2021, the Bureau of Finance and Management shall transfer each month sixty one percent of the monthly state capital construction fund revenues from the state capital construction fund to the water and environment fund. In fiscal year 2022, the Bureau of Finance and Management shall transfer each month sixty one percent of the monthly state capital construction fund revenues from the state capital construction fund. Beginning in fiscal year 2023 and each year thereafter, the Bureau of Finance and Management The state auditor shall transfer each month sixty-four percent of the monthly state capital construction fund revenues from the state capital construction fund to the water and environment fund.

Section 24. That § 10-12-3 be AMENDED:

10-12-3. The board of equalization, in determining the rate of tax to be levied against the taxable property in the state, shall ascertain the amount in dollars necessary to meet:

- (1) Meet the estimated ordinary expenses of the state for each year; the amount in dollars necessary to pay
- (2) Pay the deficiency of the preceding years and the amount in dollars necessary to pay; and
- (3) Pay the annual interest and—to provide a debt service fund for the payment of the public debt of the state.

When these amounts have been ascertained, the board shall require the commissioner of finance and management state auditor to certify to—such the board—of equalization, the amounts available in the general fund of the state and the probable amounts to become available during the year, from whatever source other than the general property tax. The board—of equalization shall then shall deduct from the amount ascertained to be necessary to meet the requirements of the state—for the purposes hereinbefore enumerated, the amounts so certified to it by the commissioner of finance and management auditor and as ascertained and determined by—such the board as being or to become available in the general fund, and shall—then levy a tax against the taxable property in the state sufficient only to provide the revenues necessary to equal the balance of the sum ascertained to be necessary to meet the requirements of the state—for the purposes hereinbefore enumerated.

Section 25. That § 28-1-67 be AMENDED:

28-1-67. The state treasurer, on behalf of the Department of Social Services, with the approval of the <u>Bureau of Finance and Management state auditor</u>, shall establish an account or system of accounts in the state treasury for the receipt and disbursement of child support enforcement collections.

The department shall pay all moneys due to the federal government, county, or other local governmental units of—South—Dakota this state, or other state and local governmental units as well as all moneys due to private persons who are not recipients of aid under the South Dakota Title IV-a plan, and all other collections—shall must be remitted to the general fund on a quarterly basis, with each remittance to be due thirty days after the end of each fiscal quarter.

- 1 **Section 26.** Pursuant to § 2-16-9, code counsel of the Legislative Research Council shall
- 2 transfer chapter 4-10 as follows: § 4-10-1 to § 1-10-1.1; § 4-10-2 to § 1-10-2.1; § 4-10-3
- 3 to § 1-9-5; § 4-10-4 to § 1-9-6; § 4-10-5 to § 1-9-7; § 4-10-6 to § 1-9-8; § 4-10-7 to § 1-
- 4 9-9; § 4-10-8 to § 1-9-11; § 4-10-9 to § 1-9-12; § 4-10-10 to § 1-9-13; and § 4-10-11 to §
- 5 1-9-14.
- 6 Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative Research
- 7 Council shall correct and integrate all cross references from chapter 4-10 that have been
- 8 <u>transferred pursuant to this Act.</u>
- **Section 27.** Pursuant to \S 2-16-9, the Code Commission and code counsel of the Legislative
- 10 Research Council are instructed to amend the following sections by striking "Bureau of Finance
- 11 and Management" and inserting "Bureau of Management and Budget" and by striking
- 12 <u>"commissioner of the Bureau of Finance and Management" and inserting "commissioner of</u>
- the Bureau of Management and Budget":
- 14 Title 1:
- 15 <u>1-16A-3.1; 1-16A-97; 1-16B-33; 1-25-1.3; 1-25-1.4; 1-26-4; 1-26-4.2; 1-27-45; 1-33-</u>
- 16 3: 1-33-7: 1-56-2: 1-56-5

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- 18 Title 3:
- 19 3-6D-4; 3-8-6; 3-8-6.2; 3-9-1; 3-9-2; 3-9-18; 3-9-19; 3-10-8; 3-12C-101

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- 21 <u>Title 4:</u>
- 22 4-1-1; 4-3-28; 4-5-22; 4-5-30; 4-7-2; 4-7-4; 4-7-5; 4-7-6; 4-7-8; 4-7-9; 4-7-10; 4-7-
- 23 12; 4-7-15; 4-7-16; 4-7-17; 4-7-18; 4-7-19; 4-7-20; 4-7-25; 4-7-25.1; 4-7-26; 4-7-48;
- 24 4-7-49; 4-7-50; 4-7-51; 4-7-52; 4-8-19; 4-8-20; 4-8-21; 4-8-22; 4-8-25; 4-8-28; 4-8A-
- 25 7: 4-8A-8: 4-8A-9: 4-8A-11: 4-8A-16: 4-8B-10: 4-9-2

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- 27 Title 5:
- 28 5-2-19; 5-12-1.1; 5-12-47.2; 5-27-4

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- 30 Title 11:
- 31 <u>11-11-38; 11-11-76</u>

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33 Title 13:

1	<u>13-51-8.1; 13-51-8.2; 13-53-17</u>
2	
3	Title 23A:
4	<u>23A-51-13</u>
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6	<u>Title 26</u>
7	<u>26-13-6</u>
8	
9	Title 34:
10	<u>34-53-15</u>
11	
12	Title 37:
13	<u>37-2-24</u>
14	
15	Title 49:
16	<u>49-16B-4</u>

- 17 **Section 28.** Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative
- 18 Research Council shall make the name and title changes necessary to correlate and integrate
- 19 the organizational changes made by this Act into the South Dakota Codified Laws.
- Section 29. Sections 1 through 28, inclusive, of this Act are effective beginning January 1,
- 21 2025.

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- 23 <u>Beginning on July 1, 2025, the state auditor and the Bureau of Finance and Management shall</u>
- 24 <u>make all preparations necessary for the implementation of the provisions of this Act.</u>