

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

183Q0437

STYLE AND FORM VETO

ENGROSSED NO. **SB 132** - 3/12/2009

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

Introduced by: Senators Gillespie, Abdallah, Bartling, Bradford, Fryslie, Gant, Garnos, Hansen (Tom), Haverly, Maher, Merchant, Novstrup (Al), and Schmidt and Representatives Bolin, Cronin, Cutler, Dennert, Elliott, Feinstein, Frerichs, Gibson, Greenfield, Hamiel, Hoffman, Kirkeby, Kopp, Lederman, Moser, Novstrup (David), Olson (Betty), Peters, Pitts, Putnam, Russell, Schlekeway, Sly, Street, Thompson, Van Gerpen, and Verchio

1 FOR AN ACT ENTITLED, An Act to allow resident students that attend school out of state to
2 be counted in the resident school district's average daily membership for the purpose of
3 distributing school and public lands funds.

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

5 Section 1. That § 13-13-1 be amended to read as follows:

6 13-13-1. The commissioner of school and public lands, after any adjustments that have been
7 made pursuant to § 5-10-18.3, shall apportion the school funds as follows: the commissioner
8 shall ascertain from the division of education the total number of resident pupils in average daily
9 membership as defined in 13-13-1.1 ~~in all schools in~~ each school district and the total number
10 of pupils in average daily membership in all ~~schools in the state~~ school districts, and on that
11 basis of the school population, the commissioner shall apportion to each school district, pro rata,
12 such share, as its population of resident pupils in average daily membership in ~~schools within~~



1 ~~the school district's boundaries and resident pupils attending private schools, the school district~~
2 bears to the total number of pupils in average daily membership in all ~~schools in the state~~ school
3 districts. The funds to be apportioned include funds derived from the lease of school lands, the
4 lease of public lands not apportioned to any educational, penal, or charitable institution, the
5 interest, dividends, and other income on invested funds derived from the sale of school lands
6 and public lands not apportioned to any such institution, and the interest, dividends, and other
7 income on invested funds derived from the five percent paid by the United States on sale of
8 public lands within the state.

9 Section 2. That § 13-13-1.1 be amended to read as follows:

10 13-13-1.1. The individual school district average daily membership as calculated by the
11 Division of Education Services and Resources for distribution of school and public lands funds
12 may not include pupils for whom the ~~public school~~ district receives tuition, shall include pupils
13 for whom the district pays tuition, and shall include resident pupils attending public schools
14 within the district and resident pupils attending private schools.

15 Section 3. The secretary of education may promulgate rules pursuant to chapter 1-26 to
16 provide for the certification of resident pupils attending public or private schools in another
17 state.