

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

867Q0045

## SENATE BILL NO. 145

Introduced by: Senators Knudson, Ahlers, Bartling, Haverly, Heidepriem, Hundstad, Hunhoff (Jean), and Maher and Representatives Putnam, Burg, Carson, Deadrick, Dennert, Greenfield, Peters, Tidemann, Turbiville, and Wink

1 FOR AN ACT ENTITLED, An Act to prohibit the transfer and subsequent expenditure of  
2 certain moneys appropriated to state aid to general and special education without specific  
3 legislative authorization.

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

5 Section 1. That chapter 4-8 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No money appropriated for state aid to general education in the General Appropriations Act  
8 or in any supplementary appropriations act may be expended or transferred for any other  
9 purpose. Any amount appropriated for state aid to general education not lawfully expended or  
10 obligated by the end of the fiscal year shall revert in accordance with the procedures prescribed  
11 in chapter 4-8.

12 Section 2. That chapter 4-8 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 No money appropriated for state aid to special education in the General Appropriations Act



1 or in any supplementary appropriations act may be expended or transferred for any other  
2 purpose. Any amount appropriated for state aid to special education not lawfully expended or  
3 obligated by the end of the fiscal year shall revert in accordance with the procedures prescribed  
4 in chapter 4-8.

5 Section 3. That § 13-13-73 be amended to read as follows:

6 13-13-73. The secretary of the Department of Education shall compute state aid to education  
7 for each school district under the foundation program according to the following calculations:

- 8 (1) Determine each school district's fall enrollment;
- 9 (2) To arrive at the local need per district:
  - 10 (a) Multiply the per student allocation by the fall enrollment;
  - 11 (b) Multiply the small school adjustment, if applicable, by the fall enrollment; and
  - 12 (c) Add the product of subsection (a) to the product of subsection (b) plus the  
13 amount of any payments received pursuant to § 13-13-80;
- 14 (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a  
15 negative number;
- 16 (4) If the state aid appropriation for the general support of education is in excess of the  
17 entitlement provided for in this section, the excess shall ~~be used to fund any shortfall~~  
18 ~~of the appropriation as provided for in § 13-37-36.3~~ revert in accordance with the  
19 procedures prescribed in chapter 4-8. The secretary shall report to the Governor by  
20 January seventh of each year, the amount of state aid necessary to fully fund the  
21 general aid formula in the current year. If a shortfall in the state aid appropriation for  
22 general education exists ~~that cannot be covered by § 13-37-45,~~ the Governor shall  
23 inform the Legislature and provide a proposal to eliminate the shortfall.

24 Section 4. That § 13-37-45 be repealed.

1 ~~13-37-45. Any funds appropriated as state aid for special education which are not distributed~~  
2 ~~according to § 13-37-36.3 or 13-37-43 shall be used to fund any shortfall of the appropriation~~  
3 ~~provided for in § 13-13-73. The remaining funds shall be allocated by the secretary of the~~  
4 ~~Department of Education for the purposes specified in § 13-37-38, 13-37-39, or 13-37-40. The~~  
5 ~~secretary shall report to the Governor by January seventh of each year, the amount of state aid~~  
6 ~~necessary to fully fund the special education formula in the current year. If a shortfall in the state~~  
7 ~~aid appropriation for special education exists that cannot be covered by § 13-13-73, the~~  
8 ~~Governor shall inform the Legislature and provide a proposal to eliminate the shortfall.~~