

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0235

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 213** - 02/23/2004

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the reduction in state
2 aid to education based on school district general fund balances.

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

4 Section 1. That § 13-13-10.1 be amended to read as follows:

5 13-13-10.1. Terms used in this chapter mean:

6 (1) "Average daily membership," the average number of resident and nonresident
7 kindergarten through twelfth grade pupils enrolled in all schools operated by the
8 school district during the previous regular school year, minus average number of
9 pupils for whom the district receives tuition, except pupils described in subdivision
10 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
11 average number of pupils for whom the district pays tuition;

12 (1A) Nonresident students who are in the care and custody of the Department of Social
13 Services, the Unified Judicial System, the Department of Corrections, or other state
14 agencies and are attending a public school may be included in the average daily
15 membership of the receiving district when enrolled in the receiving district. When



1 counting a student who meets these criteria in its general enrollment average daily
2 membership, the receiving district may begin the enrollment on the first day of
3 attendance. The district of residence prior to the custodial transfer may not include
4 students who meet these criteria in its general enrollment average daily membership
5 after the student ceases to attend school in the resident district;

6 (2) "Adjusted average daily membership," calculated as follows:

7 (a) For districts with an average daily membership of two hundred or less,
8 multiply 1.2 times the average daily membership;

9 (b) For districts with an average daily membership of less than six hundred, but
10 greater than two hundred, raise the average daily membership to the 0.8293
11 power and multiply the result times 2.98;

12 (c) For districts with an average daily membership of six hundred or more,
13 multiply 1.0 times their average daily membership;

14 (3) "Index factor," is the annual percentage change in the consumer price index for urban
15 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
16 the United States Department of Labor for the year before the year immediately
17 preceding the year of adjustment or three percent, whichever is less;

18 (4) "Per student allocation," for school fiscal year 2004 is \$3,967.88. Each school fiscal
19 year thereafter, the per student allocation is the previous fiscal year's per student
20 allocation increased by the index factor;

21 (5) "Local need," the per student allocation multiplied by the adjusted average daily
22 membership;

23 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
24 applying the levies established pursuant to § 10-12-42;

1 (7) "General fund balance," the unreserved fund balance of the general fund, less general
 2 fund exclusions plus, beginning with transfers made in fiscal year 2001, any transfers
 3 out of the general fund for the previous school fiscal year;

4 (8) "General fund balance percentage," is a school district's general fund balance divided
 5 by the school district's total general fund expenditures for the previous school fiscal
 6 year, the quotient expressed as a percent;

7 ~~(9) "General fund base percentage," is the general fund balance percentage as of June 30,~~
 8 ~~2000. However, the general fund base percentage can never increase and can never~~
 9 ~~be less than twenty percent;~~

10 ~~(10) "Allowable general fund balance," the fund base percentage multiplied by the~~
 11 ~~district's general fund expenditures in the previous school fiscal year;~~

12 ~~(11) "Imputed interest rate," the average prime rate for the preceding fiscal year minus 2.5~~
 13 ~~percentage points;~~

14 ~~(12) "General fund exclusions," revenue a school district has received from the imposition~~
 15 ~~of the excess tax levy pursuant to § 10-12-43; revenue a school district has received~~
 16 ~~from gifts, contributions, grants, or donations; revenue a school district has received~~
 17 ~~under the provisions of §§ 13-6-92 to 13-6-96, inclusive; and any revenue in the~~
 18 ~~general fund set aside for a noninsurable judgment.~~

19 Section 2. That § 13-13-73.2 be repealed.

20 ~~13-13-73.2. A school district's state aid for general education as calculated pursuant to~~
 21 ~~§ 13-13-73 shall be reduced by the following calculation:~~

22 ~~(1) Subtract the allowable general fund balance from the general fund balance. If the~~
 23 ~~result is less than zero, (1) equals zero;~~

24 ~~(2) Determine the lower of the general fund base percentage or the general fund balance~~

1 percentage;

2 ~~—(3)— Subtract twenty percent (0.2) from the result of (2). If the result is less than zero, (3)~~

3 ~~equals zero;~~

4 ~~—(4)— Multiply the result of (3) by the district's general fund expenditures in the previous~~

5 ~~school fiscal year;~~

6 ~~—(5)— Multiply the result of (4) by the imputed interest rate;~~

7 ~~—(6)— Add the result of (1) and the result of (5).~~

8 Section 3. That § 13-13-73.3 be repealed.

9 ~~—13-13-73.3. The secretary of education and cultural affairs shall determine the reduction in~~
10 ~~state aid to education pursuant to § 13-13-73.2. The secretary of education and cultural affairs~~
11 ~~shall distribute the amount of money so determined to school districts that received state aid~~
12 ~~pursuant to chapter 13-13 on a pro rata basis according to the district's average daily~~
13 ~~membership compared to the total average daily membership of all districts eligible for this~~
14 ~~distribution.~~

15 Section 4. That § 13-13-73.4 be repealed.

16 ~~—13-13-73.4. The secretary of the Department of Education shall promulgate rules, pursuant~~
17 ~~to chapter 1-26, that calculate exclusions for revenue received from opting out of the property~~
18 ~~tax limitations such that all expenditures shall be credited to formula revenue and unreserved~~
19 ~~general fund balance from the preceding fiscal year prior to any credits against opt-out revenue.~~

20 Section 5. That § 13-13-76 be repealed.

21 ~~—13-13-76. There is hereby created the Excess General Fund Oversight Board within the~~
22 ~~Department of Education. The board shall consist of five members, appointed by the Governor.~~
23 ~~The Excess General Fund Oversight Board may exempt a school district from the provisions of~~
24 ~~§ 13-13-73.2 if a school district can demonstrate to the Excess General Fund Oversight Board~~

1 ~~that its general fund balance percentage is the result of special circumstances.~~

2 Section 6. The secretary of the Department of Education shall reduce the payments for state
3 aid to education calculated in this chapter by the dollar amount any school district's general fund
4 balance exceeds a general fund balance percentage of forty percent.