



2026 South Dakota Legislature

Senate Bill 210

Introduced by: **Senator Kolbeck (Steve)**

1 **An Act to provide that a portion of revenues from wind farms remain with school**
 2 **districts.**

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

4 **Section 1. That § 13-13-10.1 be AMENDED:**

5 **13-13-10.1.** The education funding terms and procedures referenced in this
 6 chapter are defined as follows:

7 (1) Nonresident students who are in the care and custody of the Department of Social
 8 Services, the Unified Judicial System, the Department of Corrections, or other state
 9 agencies and are attending a public school may be included in the fall enrollment
 10 of the receiving district when enrolled in the receiving district;

11 (2) "Fall enrollment," is calculated as follows:

12 (a) Determine the number of kindergarten through twelfth grade students
 13 enrolled in all schools operated by the school district on the last Friday of
 14 September of the current school year;

15 (b) Subtract the number of students for whom the district receives tuition
 16 except for:

17 (i) Nonresident students who are in the care and custody of a state
 18 agency and are attending a public school district; and

19 (ii) Students who are being provided an education pursuant to § 13-28-
 20 11; and

21 (c) Add the number of students for whom the district pays tuition.

22 When computing state aid to education for a school district pursuant to § 13-13-
 23 73, the secretary of the Department of Education shall use the school district's fall
 24 enrollment;

25 (3) "Target teacher ratio factor," is:

- 1 (a) For school districts with a fall enrollment of two hundred or less, the target
2 teacher ratio factor is 12;
- 3 (b) For districts with a fall enrollment of greater than two hundred, but less
4 than six hundred, the target teacher ratio factor is calculated as follows:
5 (i) Multiplying the fall enrollment by .00750; and
6 (ii) Adding 10.50 to the resulting product; and
- 7 (c) For districts with a fall enrollment of six hundred or greater, the target
8 teacher ratio factor is 15.
- 9 The fall enrollment used for the determination of the target teacher ratio for a
10 school district may not include any students residing in a residential treatment
11 facility when the education program is operated by the school district;
- 12 (4) "English learner (EL) adjustment," is calculated by multiplying 0.25 times the
13 number of kindergarten-through-twelfth-grade students who, in the prior school
14 year, scored below level four on the state-administered language proficiency
15 assessment as required in the state's consolidated state application pursuant to
16 § 1111(b)(2)(G) of the Every Student Succeeds Act of 2015;
- 17 (5) "Index factor," is the annual percentage change in the consumer price index for
18 urban wage earners and clerical workers as computed by the Bureau of Labor
19 Statistics of the United States Department of Labor for the year before the year
20 immediately preceding the year of adjustment or three percent, whichever is less;
- 21 (6) "Target teacher salary," for the school fiscal year beginning July 1, 2025, is
22 \$62,821.19. Each school fiscal year thereafter, the target teacher salary is the
23 previous fiscal year's target teacher salary increased by the index factor;
- 24 (7) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine
25 percent;
- 26 (8) "Target teacher compensation," is the sum of the target teacher salary and the
27 target teacher benefits;
- 28 (9) "Overhead rate," is thirty-eight and seventy-eight-hundredths percent. Beginning
29 in school fiscal year 2018, the overhead rate must be adjusted to take into account
30 the sum of the amounts that districts exceed the other revenue base amount;
- 31 (10) "Local need," is calculated as follows:
32 (a) Divide the fall enrollment by the target teacher ratio factor;
33 (b) If applicable, divide the English Learner adjustment pursuant to subdivision
34 (4) by the target teacher ratio factor;
35 (c) Add the results of subsections (a) and (b);

- 1 (d) Multiply the result of subsection (c) by the target teacher compensation;
- 2 (e) Multiply the product of subsection (d) by the overhead rate;
- 3 (f) Add the products of subsections (d) and (e) and subdivision (20);
- 4 (g) When calculating local need at the statewide level, include the amounts set
- 5 aside for costs related to technology in schools and statewide student
- 6 assessments;
- 7 (h) When calculating local need at the statewide level, include the amounts set
- 8 aside for sparse school district benefits, calculated pursuant to §§ 13-13-
- 9 78 and 13-13-79; and
- 10 (i) When calculating local need at the statewide level, include the amounts set
- 11 aside for career and technical education calculated pursuant to §§ 13-13-
- 12 81 and 13-13-82;
- 13 (11) "Alternative per student need," is calculated as follows:
- 14 (a) Add the total need for each school district for school fiscal year 2016,
- 15 including the small school adjustment and the English learner adjustment,
- 16 to the lesser of the amount of funds apportioned to each school district in
- 17 the year preceding the most recently completed school fiscal year or school
- 18 fiscal year 2015 pursuant to §§ 10-33-24, 10-35-21, 10-36-10, 10-43-77,
- 19 11-7-73, 13-13-4, and 23A-27-25; and
- 20 (b) Divide the result of (a) by the September 2015 fall enrollment, excluding
- 21 any adjustments based on prior year student counts;
- 22 (12) "Alternative local need," may only be used by a school district created or
- 23 reorganized before July 1, 2016, and is the alternative per student need multiplied
- 24 by the fall enrollment, excluding any adjustments based on prior year student
- 25 counts;
- 26 (13) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
- 27 applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017,
- 28 local effort includes the amount of funds apportioned to each school district in the
- 29 year preceding the most recently completed school fiscal year pursuant to §§ 10-
- 30 33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73,
- 31 13-13-4, and 23A-27-25 and that exceeds the other revenue base amount;
- 32 (14) "Other revenue base amount," is zero;
- 33 (15) "Wind energy tax revenue," ~~any wind energy~~ tax revenue apportioned to school
- 34 districts pursuant to § 10-35-21 from a wind farm ~~producing power for the first~~
- 35 ~~time before July 1, 2016, is~~ and considered local effort pursuant to subdivision (13)

- 1 and other revenue base amount pursuant to subdivision (14). ~~However, for wind~~
 2 ~~energy tax revenue apportioned to a school district from a wind farm producing~~
 3 ~~power for the first time after June 30, 2016, of which~~ one hundred percent must
 4 be retained by the school district to which the tax revenue is apportioned ~~for the~~
 5 ~~first five years of producing power, eighty percent for the sixth year, sixty percent~~
 6 ~~for the seventh year, forty percent for the eighth year, twenty percent for the ninth~~
 7 ~~year, and zero percent thereafter. If a wind farm begins producing power for the~~
 8 ~~first time between October first and December thirty first in a calendar year, any~~
 9 ~~revenues generated for that time period must be retained by the school district~~
 10 ~~and that time period may not be counted against the first five year period;~~
- 11 (16) "Per student equivalent," for funding calculations that are determined on a per
 12 student basis, the per student equivalent is calculated as follows:
- 13 (a) Multiply the target teacher compensation times the sum of one plus the
 14 overhead rate; and
- 15 (b) Divide subsection (a) by 15;
- 16 (17) "Monthly cash balance," the total amount of money for each month in the school
 17 district's general fund, calculated by adding all deposits made during the month to
 18 the beginning cash balance and deducting all disbursements or payments made
 19 during the month;
- 20 (18) "General fund base percentage," is determined as follows:
- 21 (a) Forty percent for a school district with a fall enrollment as defined in
 22 subdivision (2) of two hundred or less;
- 23 (b) Thirty percent for a school district with fall enrollment as defined in
 24 subdivision (2) of more than two hundred but less than six hundred; and
- 25 (c) Twenty-five percent for a school district with fall enrollment as defined in
 26 subdivision (2) greater than or equal to six hundred.
- 27 When determining the general fund base percentage, the secretary of the
 28 Department of Education shall use the lesser of the school district's fall enrollment
 29 as defined in subdivision (2) for the current school year or the school district's fall
 30 enrollment from the previous two years;
- 31 (19) "Allowable general fund cash balance," the general fund base percentage multiplied
 32 by the district's general fund expenditures in the previous school year; and
- 33 (20) "Alternative instruction participation adjustment," is calculated by multiplying 0.10
 34 times the number of children who participated in the prior school year in high
 35 school interscholastic activities sanctioned or sponsored by the South Dakota High

1 School Activities Association, as permitted by § 13-36-7, while receiving
 2 alternative instruction pursuant to § 13-27-3, multiplied by the per student
 3 equivalent defined in this section.

4 **Section 2. That § 13-16-26.2 be AMENDED:**

5 **13-16-26.2.** Notwithstanding § 13-16-26, ~~no~~ a school district may not transfer
 6 any ~~funds~~ moneys, exclusive of federal funds and wind energy tax revenue that is defined
 7 in § 13-13-10.1 and apportioned pursuant to § 10-35-21, from the general fund to the
 8 capital outlay fund, bond redemption fund, or the capital projects fund.

9 The authority provided by this section for the transfer of wind energy tax revenue
 10 is conditioned annually upon the district obtaining, from the Department of Education,
 11 verification that the school district is in compliance with §§ 13-13-73.6 and 13-13-73.8.

12 ~~The transfer of wind energy tax revenue must be made within the ten year~~
 13 ~~timeframe identified in § 13-13-10.1 for each new wind farm.~~ The maximum amount a
 14 school district may transfer on an annual basis is the amount of wind energy tax revenue
 15 that is able to be retained by the district and not counted as local effort.

16 Notwithstanding § 13-16-6, wind energy tax revenue transferred to the capital
 17 outlay fund under the authority of this section must remain separately identified and may
 18 not thereafter be returned to the general fund.