

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0388

## HOUSE ENGROSSED NO. **SB72** - 3/4/97

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state aid to education  
2 and to declare an emergency.

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

4 Section 1. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 13-37-35, for the purposes of computing state aid for  
7 special education for the school fiscal year beginning July 1, 1997, the allocation for a student  
8 with a mild disability is \$1,643 and the allocation for a student with a severe disability is \$19,  
9 713. This section shall be repealed effective June 30, 1998.

10 Section 2. That § 13-13-73 be amended to read as follows:

11 13-13-73. The secretary of the Department of Education and Cultural Affairs shall compute  
12 state aid to education for each school district under the foundation program according to the  
13 following calculations:

14 (1) Determine each school district's average daily membership;

15 (2) Multiply the per student allocation by the adjusted average daily membership to arrive

1 at the local need per district;

2 (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a  
3 negative number;

4 (4) If the state aid appropriation for the general support of education is in excess of the  
5 entitlement provided for in this section, ~~each eligible district shall receive a pro rata~~  
6 ~~share of such excess based on its adjusted average daily membership~~ the excess shall  
7 be used to fund any shortfall of the appropriation as provided for in §§ 13-37-36 and  
8 13-37-43. The secretary shall report to the Governor by January seventh of each year,  
9 the amount of state aid necessary to fully fund the general aid formula in the current  
10 year. If a shortfall in the state aid appropriation for general education exists that  
11 cannot be covered by § 13-37-45, the Governor shall inform the Legislature and  
12 provide a proposal to eliminate the shortfall.

13 Section 3. That § 13-37-45 be amended to read as follows:

14 13-37-45. Any funds appropriated as state aid for special education which are not distributed  
15 according to §§ 13-37-36 or 13-37-43 shall be used to fund any shortfall of the appropriation  
16 provided for in § 13-13-73. The remaining funds shall be allocated by the secretary of the  
17 Department of Education and Cultural Affairs for the purposes specified in §§ 13-37-38,  
18 13-37-39 or 13-37-40. The secretary shall report to the Governor by January seventh of each  
19 year, the amount of state aid necessary to fully fund the special education formula in the current  
20 year. If a shortfall in the state aid appropriation for special education exists that cannot be  
21 covered by § 13-13-73, the Governor shall inform the Legislature and provide a proposal to  
22 eliminate the shortfall.

23 Section 4. Whereas, this Act is necessary for the support of the state government and its  
24 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
25 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/14/97 First read in Senate and referred to Appropriations. S.J. 25

3 1/23/97 Scheduled for Committee hearing on this date.

4 2/3/97 Scheduled for Committee hearing on this date.

5 2/3/97 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 275

6 2/5/97 Senate Deferred to another day. S.J. 327

7 2/11/97 Senate Deferred to another day. S.J. 389

8 2/19/97 Senate Deferred to another day. S.J. 528

9 2/20/97 Motion to Amend, Passed, AYES 20, NAYS 14. S.J. 557

10 2/20/97 Motion to Amend, Passed, AYES 19, NAYS 16. S.J. 558

11 2/20/97 Motion to Amend, Failed, AYES 14, NAYS 21. S.J. 559

12 2/20/97 Senate Do Pass Amended, Passed, AYES 30, NAYS 5. S.J. 559

13 2/20/97 Senate Title Amended. S.J. 560

14 2/21/97 First read in House and referred to Appropriations. H.J. 638

15 2/27/97 Scheduled for Committee hearing on this date.

16 2/28/97 Scheduled for Committee hearing on this date.

17 2/28/97 Appropriations Do Pass Amended, Passed, AYES 8, NAYS 2. H.J. 773

18 3/4/97 Motion to Amend, Passed.

19 3/4/97 Motion to Amend, Failed, AYES 22, NAYS 43.

20 3/4/97 Motion to Amend, Passed.

21 3/4/97 House of Representatives Do Pass Amended, Passed, AYES 51, NAYS 17.