

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

711Z0372

SENATE ENGROSSED NO. **HB 1166** - 3/5/2018

Introduced by: Representatives Howard, Barthel, Beal, Brunner, Campbell, Chase, Clark, Conzet, Dennert, DiSanto, Frye-Mueller, Glanzer, Goodwin, Greenfield (Lana), Heinemann, Johns, Kaiser, Karr, Kettwig, Lake, Latterell, Lust, May, Mickelson, Mills, Otten (Herman), Peterson (Kent), Peterson (Sue), Pischke, Rasmussen, Reed, Rhoden, Rounds, Rozum, Schaefer, Turbiville, Wiese, and Zikmund and Senators Cronin, Bolin, Ewing, Haverly, Jensen (Phil), Monroe, Novstrup, Rusch, Russell, Solano, Stalzer, Tapio, Tidemann, White, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding waivers
2 recommended by the School Finance Accountability Board.

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

4 Section 1. That § 1-45-38 be amended to read:

5 1-45-38. There is hereby created the School Finance Accountability Board within the
6 Department of Education. The board shall consist of five members appointed by the Governor.
7 The members shall serve a term of four years.

8 The board may recommend that the provisions of § 13-13-73.5 be waived for a school
9 district if the district can demonstrate that its lowest monthly general cash fund cash balance
10 percentage is the result of special circumstances.

11 The board may recommend that a penalty against a school district imposed under § 13-13-
12 73.6 be waived, in whole or in part, if the district can demonstrate that its failure to comply with



1 § 13-13-73.6 is due to special circumstances.

2 The School Finance Accountability Board shall promulgate rules pursuant to chapter 1-26
3 to establish the appeals process provided for in § 13-13-73.6, and to establish the factors that
4 may be considered in considering a waiver requested by a school district, which shall include
5 the impact of retirements.

6 ~~Any~~ The Joint Committee on Appropriations or the Interim Committee on Appropriations
7 shall review any waivers of § 13-13-73.5 or 13-13-73.6 recommended by the School Finance
8 Accountability Board ~~must be approved by the Joint Committee on Appropriations or the~~
9 ~~Interim Committee on Appropriations.~~ For a waiver recommended by the board under this
10 section, the committee may provide any suggested change to the waiver. Not more than thirty
11 days following receipt of a suggested change from the committee, the board may amend the
12 recommended waiver in accordance with the suggested change and shall resubmit the
13 recommended waiver. The Joint Committee on Appropriations or the Interim Committee on
14 Appropriations shall approve, amend, or deny any waiver recommended by the board. The
15 Department of Education shall annually report to the Governor and the Legislature the
16 information collected pursuant to §§ 13-8-47 and 13-13-73.6.