

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

588R0716

HOUSE BILL NO. 1236

Introduced by: Representatives Lucas, Blake, Elliott, Engels, Feickert, Feinstein, Gibson, Iron Cloud III, Killer, Kirschman, Lange, Nygaard, Sorenson, Thompson, and Vanderlinde and Senators Merchant, Ahlers, Bartling, Hanson (Gary), Jerstad, and Miles

1 FOR AN ACT ENTITLED, An Act to appropriate money from the education enhancement trust
2 fund for the purpose of providing increased funding for state aid to education.

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

4 Section 1. There is hereby appropriated from the education enhancement trust fund created
5 in S.D. Const., Art. XII, § 6, the sum of one dollar (\$1), or so much thereof as may be necessary,
6 to the Department of Education for the purposes of providing a one and two-tenths percent
7 increase in the state aid per student allocation.

8 Section 2. The secretary of education shall approve vouchers and the state auditor shall draw
9 warrants to pay expenditures authorized by this Act.

10 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
11 June 30, 2011, shall revert in accordance with the procedures prescribed in chapter 4-8.

12 Section 4. That subdivision (4) of § 13-13-10.1 be amended to read as follows:

13 (4) "Per student allocation," for school fiscal year ~~2009~~ 2011 is ~~\$4,664.66~~ \$4,862.26.

14 Each school fiscal year thereafter, the per student allocation is the previous fiscal



1 year's per student allocation increased by the index factor;

2 Section 5. The entire amount appropriated in section 1 of this Act, shall be repaid with
3 interest from the general fund to the education enhancement trust fund. On June thirtieth of each
4 fiscal year, if the growth in general fund revenues for the fiscal year exceeds the sum of the prior
5 year's general fund revenues adjusted by the annual percentage change in the consumer price
6 index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics
7 of the United States Department of Labor for the year before the year immediately preceding the
8 year of repayment, the amount in excess, less any repayments to the health care trust fund
9 authorized by legislation approved by the Eighty-fifth Legislature, shall be transferred from the
10 general fund to the education enhancement trust fund, until such time as the total amount with
11 interest has been repaid. The interest rate used to calculate the repayment amount shall equal
12 the average interest rate earned by the state cash flow fund over the last four quarters as supplied
13 by the South Dakota Investment Council.