



# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

903T0634

## HOUSE APPROPRIATIONS

### ENGROSSED NO. **SB 77** - 2/27/2012

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senator Olson (Russell) and Representative Fargen

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of a scholarship program  
2 for postsecondary technical institute students and to make an appropriation therefor.

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

4 Section 1. The Dakota Tech scholarship program is hereby established within the  
5 Department of Labor and Regulation. Dakota Tech scholarships shall be awarded to encourage  
6 students at South Dakota's postsecondary technical institutes who are trained for employment  
7 in areas of critical need to remain in South Dakota upon completion of their postsecondary  
8 technical education. The Department of Labor and Regulation shall provide for the awarding  
9 of Dakota Tech scholarships in accordance with the provisions of this Act.

10 Section 2. Terms used in this Act mean:

11 (1) "Area of critical need," an occupation within South Dakota for certain types of  
12 employers in certain geographical areas as specified by rules promulgated by the  
13 department pursuant to section 14 of this Act;

14 (2) "Dakota Tech scholarship award," an amount awarded to an individual student under



1 the Dakota Tech scholarship program;

2 (3) "Department," the Department of Labor and Regulation;

3 (4) "Postsecondary technical institute," a postsecondary institute established pursuant to  
4 chapter 13-39.

5 Section 3. The Department of Labor and Regulation shall administer the Dakota Tech  
6 scholarship program. The department shall, in accordance with the provisions of this Act,  
7 provide for the selection of scholarship recipients, the disbursement of scholarship funds, the  
8 collection and repayment of funds from recipients who have become ineligible, and other  
9 measures necessary for the implementation of this Act.

10 Section 4. To be eligible for a Dakota Tech scholarship a person shall:

11 (1) Have a high school diploma or general equivalency diploma (GED);

12 (2) Agree in writing to stay in South Dakota and work in an area of critical need for a  
13 period of four years following graduation from a postsecondary technical institute;  
14 and

15 (3) Enroll in or be accepted for enrollment by a postsecondary technical institute for a  
16 course of study in an area of critical need leading to a technical degree from the  
17 postsecondary technical institute.

18 Section 5. In order to maintain eligibility for a Dakota Tech scholarship a person shall:

19 (1) Maintain a 2.5 grade point average on a 4.0 scale and maintain standing as a full-time  
20 or part-time student at a postsecondary technical institute;

21 (2) Attend a postsecondary technical institute and earn a technical degree in an area of  
22 critical need within four years after the person's first enrollment at the technical  
23 institute.

24 Section 6. A Dakota Tech scholarship award shall be in the amount of five thousand dollars

1 per student and is awarded once for the duration of the student's course of study. The department  
2 may award Dakota Tech scholarships only to the extent that funds are available to provide  
3 scholarships. If the amount of money in the Dakota Tech scholarship fund is insufficient to  
4 provide a Dakota Tech scholarship to all eligible applicants, the department shall consider a  
5 person's field of study and financial need in awarding a Dakota Tech scholarship.

6 Section 7. If a person has been awarded a Dakota Tech scholarship, the department shall pay  
7 the postsecondary technical institute at which the person is enrolled the amount of five thousand  
8 dollars, to be deducted from the person 's tuition and fees over the duration of the person's  
9 course of study. The amount of the scholarship constitutes an obligation owed by the person to  
10 the department, which may be discharged as provided in sections 8 to 11, inclusive, of this Act.

11 Section 8. A person who has received a Dakota Tech scholarship is not required to repay any  
12 part of the scholarship if within six months of earning an eligible technical degree the person  
13 begins employment and is continuously employed in South Dakota for a period of forty-eight  
14 consecutive months in an area of critical need. A course of study and corresponding  
15 employment or occupation that was deemed an area of critical need at the time of the person's  
16 scholarship award remains an area of critical need for the duration of the person's course of  
17 study and for the forty-eight month employment period for purposes of determining any  
18 repayment obligation that the person may incur.

19 Section 9. If a person who has received a Dakota Tech scholarship does not maintain  
20 eligibility as specified in section 5 of this Act, the person shall reimburse the department the  
21 amount of the scholarship paid on behalf of the person, according to a repayment schedule set  
22 by the department in rules promulgated pursuant to chapter 1-26.

23 Section 10. If a person who has received a Dakota Tech scholarship does not meet the  
24 requirement in section 8 of this Act, the person shall reimburse the department the amount of

1 the scholarship paid on behalf of the person, according to a repayment schedule set by the  
2 department in rules promulgated pursuant to chapter 1-26. The amount of repayment shall be  
3 based on the ratio of forty-eight months minus the number of months a person was continuously  
4 employed in an area of critical need to forty-eight months.

5 Section 11. If a person who has received a Dakota Tech scholarship is unable to maintain  
6 eligibility or remain employed in an area of critical need for forty-eight consecutive months due  
7 to factors outside the control of the person, the department may waive or delay the eligibility  
8 or repayment provisions of this Act.

9 Section 12. A person who has received a Dakota Tech scholarship shall annually report to  
10 the department the person's academic and occupational status on forms prescribed by the  
11 department.

12 Section 13. The Dakota Tech scholarship fund is hereby established as a separate fund in  
13 the state treasury to be administered by the Department of Labor and Regulation. Money in the  
14 fund shall be used to implement the Dakota Tech scholarship program established pursuant to  
15 this Act. Money may enter the fund through legislative appropriations, fees, contributions,  
16 donations, grants, loans, interest received on money in the fund, and any other lawful public or  
17 private source. Money in the fund shall be appropriated by the Legislature through the normal  
18 budget process. Any expenditure from the fund shall be paid on warrants drawn by the state  
19 auditor on vouchers approved by the secretary of the Department of Labor and Regulation.

20 Section 14. The Department of Labor and Regulation shall promulgate rules, pursuant to  
21 chapter 1-26, to implement the Dakota Tech scholarship program. The rules shall define  
22 occupations and geographical areas as areas of critical need, establish procedures for the  
23 awarding and acceptance of scholarships, establish requirements and guidelines to be followed  
24 by the department in implementing the program, establish criteria for monitoring the academic

1 and occupational status of persons who have received a scholarship, establish financial need  
2 criteria, establish repayment schedules, and establish other procedures and requirements  
3 necessary for the implementation of the scholarship program.

4 Section 15. There is hereby appropriated from the general fund the sum of one hundred  
5 dollars (\$100), or so much thereof as may be necessary, to the Department of Labor and  
6 Regulation to be deposited into the Dakota Tech scholarship fund and made available, beginning  
7 on the effective date of this Act, to fund scholarships under the Dakota Tech scholarship  
8 program as provided in this Act. This appropriation may be used only for the funding of  
9 scholarships under the program. Administrative costs and other costs incurred in the  
10 implementation of the program may be met only through the use of funds from sources other  
11 than this appropriation.

12 Section 16. The secretary of the Department of Labor and Regulation shall approve vouchers  
13 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

14 Section 17. Any amounts appropriated in this Act not lawfully expended or obligated by  
15 June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

479T0491

## HOUSE EDUCATION ENGROSSED NO. **SB 130** 2/27/2012

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Lederman, Adelstein, Gray, Schlekeway, and Sutton and Representative Sly

1 FOR AN ACT ENTITLED, An Act to require the school board of each school district to adopt  
2 a policy prohibiting bullying.

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

4 Section 1. If a school district does not have a bullying policy, the school district shall follow  
5 the model bullying policy in section 6 of this Act until such time as the school district adopts  
6 its own bullying policy. Nothing in this Act supplants or preempts an existing school district  
7 policy.

8 Section 2. Bullying is a pattern of repeated conduct that causes physical hurt or  
9 psychological distress on one or more students that may include threats, intimidation, stalking  
10 as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening  
11 use of data or computer software, written or verbal communication, or conduct directed against  
12 a student that:

13 (1) Places a student in reasonable fear of harm to his or her person or damage to his or  
14 her property; and either



- 1       (2)   Substantially interferes with a student's educational performance; or
- 2       (3)   Substantially disrupts the orderly operation of a school.

3       For the purposes of this Act, bullying also includes retaliation against a student for asserting  
4 or alleging an act of bullying.

5       Section 3. Each school district policy developed pursuant to this Act may contain the  
6 following provisions:

- 7       (1)   A statement prohibiting bullying and a definition of bullying that includes the  
8           definition listed in section 2 of this Act;
- 9       (2)   A description of the type of behavior expected from each student of the school  
10           district, and the consequences for a student of the school district who commits an act  
11           of bullying;
- 12       (3)   A procedure for reporting an act of bullying, including provisions that permit a  
13           person to anonymously report such an act, although formal disciplinary action may  
14           not be based solely on an anonymous report;
- 15       (4)   A procedure for the prompt investigation and response to any report of bullying,  
16           including a requirement that an investigation be conducted on any alleged incident  
17           of bullying committed against a child while the child is aboard a school bus, at a  
18           school bus stop, or at a school-sponsored event; and
- 19       (5)   A statement that all students are protected with no mention of any protected classes  
20           of students.

21       Section 4. Any school district employee, school volunteer, student, or parent who promptly  
22 reports in good faith an act of bullying to the appropriate school district official as designated  
23 in the school district's policy, and who makes the report in compliance with the provisions of  
24 the school district's policy is immune from any cause of action for damages arising from failure

1 to remedy the reported incident.

2 Section 5. Neither the physical location nor the time of day of any incident involving the use  
3 of computers or other electronic devices is a defense to any disciplinary action taken by a school  
4 district for conduct determined to meet the definition of bullying in section 2 of this Act.

5 Section 6. The model bullying policy pursuant to this Act is as follows:

6 **PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING**

7 The School District is committed to maintaining a constructive, safe school climate that is  
8 conducive to student learning and fostering an environment in which all students are treated  
9 with respect and dignity.

10 Persistent bullying can severely inhibit a student's ability to learn and may have lasting  
11 negative effects on a student's life. The bullying of students by students, staff, or third parties  
12 is strictly prohibited and will not be tolerated.

13 Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct  
14 directed toward a student that is so pervasive, severe, and objectively offensive that it:

- 15 (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive  
16 academic environment; or  
17 (2) Has the purpose or effect of substantially or unreasonably interfering with a student's  
18 academic performance which deprives the student access to educational  
19 opportunities.

20 Any staff member observing or suspecting bullying toward another individual is required  
21 to report the issue to his or her building supervisor.

22 This policy is in effect while students are on property within the jurisdiction of the School  
23 Board; while students are in school-owned or school-operated vehicles; and while students are  
24 attending or engaged in school-sponsored activities.

1       The District will act to investigate all complaints (formal or informal, verbal or written) of  
2 bullying. A formal complaint may be submitted to the building principal. Any student engaging  
3 in an act of bullying is subject to discipline pursuant to the District's student discipline  
4 procedure.

5       This policy may not be interpreted to prohibit civil exchange of opinions or debate protected  
6 under the state or federal constitutions if the opinion expressed does not otherwise materially  
7 or substantially disrupt the education process or intrude upon the rights of others.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

497T0696

## HOUSE APPROPRIATIONS ENGROSSED NO. **SB 139** - 2/27/2012

Introduced by: Senators Heineman, Adelstein, Johnston, Kraus, and Tidemann and Representatives Sly, Blake, Brunner, Dennert, Elliott, Fargen, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Kloucek, Lucas, Miller, Olson (Betty), Schrempp, Sigdestad, Street, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish the Teach for America grant program within  
2 the Department of Education and to make an appropriation therefor.

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

4 Section 1. There is hereby created a Teach for America grant program within the Department  
5 of Education. The purpose of the grant program is to provide funding to Teach for America, a  
6 nonprofit organization that provides alternative teacher recruitment and placement in public  
7 schools in which a majority of the students are from low-income households. Through the grant  
8 program, the state will partner with private contributors to fund an expansion of the Teach for  
9 America program in the state that will allow the number of teachers placed to grow from fifty-  
10 seven to one hundred by 2015. The expansion will allow Teach for America to positively impact  
11 two-thirds of the Native American students on reservations in the state and more than half of  
12 the Native American students statewide, and to strengthen its efforts to improve the academic  
13 achievement of low-income, Native American students and to increase the educational



1 opportunities afforded them.

2 Funding through the grant program shall be provided to Teach for America over a period  
3 of four fiscal years beginning on July 1, 2012. The amount of the grants provided pursuant to  
4 this Act shall be based upon the amount of matching funds received by Teach for America from  
5 private contributors, but the total amount of all grants provided may not exceed the total amount  
6 of money appropriated for the grant fund.

7 Section 2. For each fiscal year of the grant program established in section 1 of this Act, the  
8 secretary of education shall submit a report to the Governor and to the Legislature that provides  
9 the following information:

- 10 (1) The amount of grant program funds provided to Teach for America for that fiscal  
11 year;
- 12 (2) The amount of matching funds provided to Teach for America for that fiscal year  
13 from private contributors;
- 14 (3) The progress of Teach for America's expansion efforts in South Dakota, including  
15 the number of teachers placed and the number of students impacted; and
- 16 (4) The results that Teach for America is achieving in the state in closing the  
17 achievement gap, providing enhanced educational opportunities, preparing students  
18 for higher education, and in meeting any other goals established by the organization.

19 Section 3. There is hereby appropriated from the general fund the sum of one hundred  
20 dollars (\$100), or so much thereof as may be necessary, to the Department of Education to fund  
21 the Teach for America grant program established pursuant to this Act.

22 Section 4. The secretary of education shall approve vouchers and the state auditor shall draw  
23 warrants to pay expenditures authorized by this Act.

24 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall

- 1 revert in accordance with the procedures prescribed in chapter 4-8.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

715T0524

## HOUSE ENGROSSED NO. **SB 141** - 2/28/2012

Introduced by: Senators Peters, Buhl, Cutler, Holien, Nelson (Tom), and Nygaard and  
Representatives Gibson, Abdallah, Blake, Hunhoff (Bernie), Kirkeby, Perry,  
Street, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise the legal definition of the term, domestic abuse.

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

3 Section 1. That § 25-10-1 be amended to read as follows:

4 25-10-1. Terms used in this chapter mean:

5 (1) "Domestic abuse, domestic violence, spousal abuse, battering, family violence, and  
6 intimate violence," physical harm, bodily injury, or attempts to cause physical harm  
7 or bodily injury, ~~or~~ the infliction of fear of imminent physical harm or bodily injury  
8 ~~between family or household members,~~ or a pattern of abusive behaviors by one  
9 partner in an intimate relationship with a person of the opposite sex such as marriage  
10 or cohabitation. Any violation of § 25-10-13 or chapter 22-19A or any crime of  
11 violence as defined in subdivision 22-1-2(9) constitutes domestic abuse if the  
12 underlying criminal act is committed between ~~family or household members~~ partners  
13 of the opposite sex in an intimate relationship as defined in this subdivision;

14 (2) "Family or household members," spouses, former spouses, or persons related by



1 consanguinity, adoption, or law, persons living in the same household in an intimate  
2 relationship with a person of the opposite sex, persons who have lived together in an  
3 intimate relationship with a person of the opposite sex, or persons who have had a  
4 child together;

5 (3) "Protection order," an order restraining any family or household member from  
6 committing any act of domestic abuse or an order excluding any family or household  
7 member from the dwelling or residence of another family or household member,  
8 whether or not the dwelling or residence is shared. A protection order has a duration  
9 of five years or less; and

10 (4) "Temporary protection order," an order restraining any family or household member  
11 from committing any act of domestic abuse or an order excluding any family or  
12 household member from the dwelling or residence of another family or household  
13 member, whether or not the dwelling or residence is shared. A temporary protection  
14 order has a duration of thirty days except as provided in § 25-10-7.1.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0498

## HOUSE APPROPRIATIONS ENGROSSED NO. **SB 193** - 2/27/2012

Introduced by: The Committee on Appropriations at the request of the Office of the  
Governor

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year  
2 2012 and to declare an emergency.

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

4 Section 1. The funds in section 5 of this Act are provided for the purpose of making a one-  
5 time payment to active, permanent employees hired before March 24, 2011, not including the  
6 Governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer,  
7 commissioner of school and public lands, or public utilities commissioners, for the purpose of  
8 encouraging public service and for continued service in the state government workforce. This  
9 payment will be made on March 30, 2012, and will be calculated as a percentage of the  
10 employees' annualized salary effective as of March 23, 2012. This percentage shall be five  
11 percent for an employee hired before March 24, 2009; three and four-tenths percent for an  
12 employee hired March 24, 2009 to March 23, 2010, inclusive; and one and seven-tenths percent  
13 for an employee hired March 24, 2010 to March 23, 2011, inclusive.

14 Section 2. For the purposes of this Act, annualized salary means an employee's hourly wage



1 times the number of hours in the fiscal year in which the payment is made times the percent of  
2 time the employee is regularly scheduled to work, or the employee's annual salary times the  
3 percent of time the employee is regularly scheduled to work. If a full-time employee's annual  
4 salary is less than forty-six thousand dollars, the calculation shall be based on forty-six thousand  
5 dollars times the percent of time the employee is regularly scheduled to work. If a full-time  
6 employee's annual salary is more than one hundred fifty thousand dollars, the calculation shall  
7 be based on one hundred fifty thousand dollars times the percent of time the employee is  
8 regularly scheduled to work.

9 Section 3. Any payment pursuant to this Act is not to be considered as part of the employee's  
10 base compensation or regular rate of pay, nor is the payment compensation for any past  
11 performance or future action.

12 Section 4. The amount necessary to fund the one-time payment to employees may be  
13 transferred to the appropriate budget units by the Bureau of Finance and Management. If there  
14 is not enough funding to provide the required payments to the workforce in place at the time of  
15 calculation, the bureau may reduce and prorate the amount of the one-time payments.

16 Section 5. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
17 follows:

18 DEPARTMENT OF EXECUTIVE MANAGEMENT

19 (17) delete "State Government Energy Program" and insert "Employee Compensation"

20 Personal Services, General Funds, delete "\$0" and insert "\$1"

21 Personal Services, Federal Funds, delete "\$0" and insert "\$1"

22 Personal Services, Other Funds, delete "\$0" and insert "\$1"

23 Operating Expenses, General Funds, delete "\$0" and insert "\$1"

24 Adjust all totals accordingly.

1       Section 6. The commissioner of the Bureau of Finance and Management shall approve  
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3       Section 7. Whereas, this Act is necessary for the support of the state government and its  
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
5 full force and effect from and after its passage and approval.