

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

964V0462

HOUSE BILL NO. 1142

Introduced by: Representatives Mickelson, Bolin, Conzet, Dryden, Ecklund, Erickson, Haggar (Don), Hajek, Heinemann (Leslie), Hickey, Hoffman, Langer, Lust, May, Novstrup (David), Otten (Herman), Rozum, Solum, Stalzer, Werner, Westra, Wick, and Wink and Senators White, Curd, Frerichs, Heineman (Phyllis), Jones (Tom), Kirkeby, Krebs, Peters, Rampelberg, Rave, Van Gerpen, and Vehle

1 FOR AN ACT ENTITLED, An Act to enhance the support for public postsecondary technical
2 institutes and to make an appropriation therefor.

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

4 Section 1. That chapter 9-21 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The governing body of a municipality may contribute sums of money to provide general
7 operating and capital support to any postsecondary technical institute. The funds necessary to
8 execute this section may be appropriated out of the municipal general fund, the capital outlay
9 fund, or both.

10 Section 2. That chapter 7-18 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any county of this state may, through its county commissioners, contribute sums of money
13 to provide general operating and capital support to any postsecondary technical institute. The



1 funds necessary to execute this section may be appropriated from the county general fund, the
2 capital outlay fund, or both.

3 Section 3. That § 13-16-3 be amended to read as follows:

4 13-16-3. The general fund of the school district is a fund provided by law to meet all the
5 operational costs of the school district, excluding capital outlay fund and special education fund
6 expenditures pursuant to § 13-13-37, and to redeem all outstanding warrants against the general
7 fund. Notwithstanding the provisions of § 13-16-6, the general fund may be used to purchase
8 or lease computer hardware and software. The general fund may be used to support a
9 postsecondary technical institute.

10 Section 4. That § 13-39-38 be amended to read as follows:

11 13-39-38. The secretary of education shall apportion and distribute funds made available for
12 postsecondary technical institutes through a formula approved by the South Dakota Board of
13 Education to the LEAs having jurisdiction over postsecondary technical institutes to assist in
14 maintaining and operating those schools. The use of the funds are subject to rules promulgated
15 by the state board pursuant to subdivision 13-39-37(3) and in accordance with the approved
16 state plan for career and technical education. However, the formula approved by the South
17 Dakota Board of Education may not reduce or increase the apportionment and distribution to
18 any postsecondary technical institute as a result of any municipal, county, or LEA financial
19 support.

20 Section 5. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Notwithstanding any other provision of law any postsecondary technical institute, LEA
23 school district or school districts, or any combination of them that established a postsecondary
24 technical institute may modify the postsecondary technical institute's governing board, the

1 procedure for selecting the governing board members and may determine whether to establish
2 the postsecondary technical institute as a distinct separate legal entity.

3 Section 6. There is established a postsecondary technical institute equipment fund. All funds
4 available not otherwise appropriated by the General Appropriations Act as a result of the
5 termination of the large project contractor's excise tax refund program and the sunseting of any
6 potential remaining refund claim pursuant to chapter 10-46B shall be used to fund the
7 postsecondary technical institute equipment fund.

8 Section 7. There is hereby appropriated from the postsecondary technical institute equipment
9 fund the sum of two million five hundred thousand dollars (\$2,500,000), or so much thereof as
10 may be necessary, to the Department of Education for equipment. Equipment purchases shall
11 be based upon priorities established by each postsecondary technical institute, approved by each
12 postsecondary technical institute's governing body and approved by the South Dakota Board of
13 Education.

14 Section 8. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The maintenance and repair of each building at a postsecondary technical institute is a state
17 priority and a shared obligation of the state and each postsecondary technical institute.

18 Section 9. There is hereby appropriated from the general fund the sum of one million dollars
19 (\$1,000,000), or so much thereof as may be necessary, to the Department of Education for the
20 maintenance and repair of the postsecondary technical institute buildings to be apportioned and
21 distributed by the South Dakota Board of Education.

22 Section 10. There is hereby appropriated from the general fund the sum of one million five
23 hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, to the
24 Department of Education to support an increased per student allocation for postsecondary

1 technical education students under the rules adopted by the South Dakota Board of Education
2 pursuant to § 13-39-38.

3 Section 11. The secretary of education shall approve vouchers and the state auditor shall
4 draw warrants to pay expenditures authorized by this Act.

5 Section 12. Any amounts appropriated in this Act not lawfully expended or obligated by
6 June 30, 2015, shall revert in accordance with the procedures prescribed in chapter 4-8.