

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

626D0475

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB1116** - 2/1/00

Introduced by: Representative Napoli and Senator Munson (David)

1 FOR AN ACT ENTITLED, An Act to prohibit motor vehicle brokering.

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

3 Section 1. That § 32-6B-4 be amended to read as follows:

4 32-6B-4. No person may engage in the business, either exclusively or in addition to any other
5 occupation, of selling, or may offer to sell, display, ~~act as a broker,~~ or advertise the sale of new
6 or used vehicles, without a license as provided in § 32-6B-12. A violation of this section is a
7 ~~Class 1~~ Class 2 misdemeanor. ~~A second or subsequent violation of this section is a Class 6~~
8 ~~felony.~~

9 Section 2. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No person may act as, offer to act as, or hold himself or herself out to be a broker. A
12 violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Commerce. H.J. 115

3 1/19/00 House of Representatives Referred to Transportation. H.J. 128

4 1/26/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 1/31/00 Transportation Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 305

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

463D0506

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1190** - 1/31/00

Introduced by: Representatives Fischer-Clemens, Haley, Lucas, and Roe and Senators Moore, Hutmacher, and Paisley

1 FOR AN ACT ENTITLED, An Act to repeal the specific time period that an insurance agent
2 involved in certain crimes must wait before seeking licensure.

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

4 Section 1. That § 58-30-23 be amended to read as follows:

5 58-30-23. Any individual licensed as an agent shall be trustworthy, of good character and
6 reputation as to morals, integrity, and financial responsibility, and may not have been convicted
7 of, or have pled guilty or nolo contendere to, a felony or of any crime involving moral turpitude.
8 The director of the Division of Insurance may waive the restriction relating to conviction of, or
9 plea of guilty or nolo contendere to, a felony ~~if three years have elapsed since completion of the~~
10 ~~sentence imposed by the court in connection with the violation~~ or crime involving moral
11 turpitude upon determining, pursuant to § 58-30-23.1, that the individual has been sufficiently
12 rehabilitated.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3 1/20/00 Referred to Commerce.

4 1/27/00 Scheduled for Committee hearing on this date.

5 1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 283

6 1/27/00 Commerce Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

642D0037

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1241** - 2/1/00

Introduced by: Representatives Eccarius, Apa, Brown (Jarvis), Cerny, Crisp, Diedrich (Elmer), Duenwald, Duniphan, Earley, Fryslie, Heineman, Hennies, Hunt, Jaspers, Juhnke, Klaudt, Koehn, Koskan, McCoy, McNenny, Michels, Monroe, Napoli, Peterson, Pummel, Putnam, Smidt, Sutton (Duane), Weber, Wudel, and Young and Senators Everist, Benson, Bogue, Frederick, Hainje, Ham, Lawler, Madden, Shoener, Staggers, Vitter, and Whiting

1 FOR AN ACT ENTITLED, An Act to authorize the establishment of voucher schools and the
2 issuance of nonsectarian vouchers to pay a portion of the costs associated with certain
3 transfer students.

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

5 Section 1. That § 13-28-40 be amended to read as follows:

6 13-28-40. An enrollment options program is established to enable any South Dakota
7 kindergarten through twelfth grade student to attend any public school that serves the student's
8 grade level in any South Dakota school district, subject to the provisions in §§ 13-28-40 to
9 13-28-47, inclusive, and to the provisions of this Act. For purposes of determining state aid to
10 education as it relates to the provisions of §§ 13-28-40 to 13-28-47, inclusive, and to the
11 provisions of this Act, general enrollment average daily membership as defined in § 13-13-10.1
12 is used to compute foundation aid and resident average daily membership as defined in
13 § 13-37-35 is used to determine funding for special education.

14 Section 2. That § 13-28-43 be amended to read as follows:

1 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an
2 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,
3 inclusive, and the provisions of this Act, in a South Dakota school district other than the resident
4 district, in a voucher school established pursuant to this Act, or in a school within the resident
5 district other than the school to which the student has been assigned shall apply on forms
6 provided by the Department of Education and Cultural Affairs.

7 The school board ~~or the board's designee~~ of the district in which the student desires to enroll
8 or the board of directors of a voucher school in which the student wishes to enroll shall approve
9 or disapprove the application and shall notify the applicant and the resident board, if applicable,
10 of its decision within five days of the decision. The district or voucher school in which the
11 student desires to enroll shall review the applications in the order received.

12 Intradistrict transfer applications may be accepted and acted upon at any time at the board's
13 discretion if the policies on which the transfer decisions are based are consistent with the other
14 requirements of §§ 13-28-40 to 13-28-47, inclusive, and the provisions of this Act.

15 An application may be withdrawn by the applicant prior to the approval of the request and
16 upon notification of the district to which the student applied. Once approved by the district or
17 voucher school in which the student wishes to enroll, the approved application serves as the
18 applicant's notice of intent to enroll in the nonresident district or desired school during the school
19 year and obligates the student to attend school in the nonresident district or desired school during
20 the school year, unless the affected school board or boards agree in writing to allow the student
21 to transfer back to the resident district or assigned school, or unless the parents, guardians, or
22 emancipated student change residence to another district.

23 Once enrolled in a nonresident district or nonassigned school, the student may remain
24 enrolled and is not required to resubmit annual applications.

25 Section 3. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The parent or guardian of any kindergarten through twelfth grade student who desires to
3 enroll in a proposed or existing voucher school may request and receive from the Department
4 of Education and Cultural Affairs a nonsectarian voucher to be redeemed as provided in this Act.
5 The department shall issue the voucher within thirty days after the request was received. The
6 amount of the voucher is three thousand six hundred sixty-six dollars as of July 1, 2000. This
7 amount represents the per student allocation as defined in § 13-13-10.1 as of July 1, 2000. No
8 voucher school may have an adjusted general enrollment average daily membership greater than
9 its average daily membership. The voucher amount shall be adjusted each year by the index
10 factor as defined in § 13-13-10.1. Each student at the time of enrollment shall present the
11 voucher to the voucher school in which the student is to be enrolled. The voucher school may
12 redeem the voucher with the department for payment, and the department shall pay the school
13 the amount of the voucher in twelve monthly payments over the next fiscal year. If the student
14 is not enrolled in the voucher school for the entire school year, the amount of the voucher
15 payment made to the school shall be pro-rated based on the portion of the school year for which
16 the student was enrolled.

17 The issuance or payment of a voucher pursuant to this section does not limit, alter, or in any
18 way restrict the amount of state aid to education to which the student's resident school district
19 and nonresident school district are entitled. State aid for each school district shall be calculated
20 as provided in this title. However, no student who is enrolled in a voucher school created
21 pursuant to this Act may be counted as part of the general enrollment average daily membership
22 as defined in § 13-13-10.1 in either the student's resident or nonresident school district.

23 Section 4. That § 13-28-44 be amended to read as follows:

24 13-28-44. Each school district ~~by November 1, 1997~~ and each voucher school established
25 pursuant to this Act shall by resolution adopt relevant standards for the acceptance and rejection

1 of an application to enroll in the district or voucher school under the provisions of §§ 13-28-40
2 to 13-28-47, inclusive, and the provisions of this Act. The board shall adopt standards through
3 official board action, set them forth in writing, and make them available to any individual upon
4 receiving an oral or written request. Standards may define the capacity of a program, class, grade
5 level, and school building operated by the board and the pupil/teacher ratio. Discrimination based
6 on race, gender, religious affiliation, or disability is prohibited. If two or more children from a
7 family residing in the same household must enroll in different school districts as the result of a
8 board's denial of an application to transfer from a resident district or to enroll in a nonresident
9 district or a voucher school under the provisions of §§ 13-28-40 to 13-28-47, inclusive, and the
10 provisions of this Act, neither the resident board nor the nonresident board may deny the
11 application. The decision of a local school board or a voucher school regarding a student's
12 application for open enrollment or a request to return to the resident district under the provisions
13 of §§ 13-28-40 to 13-28-47, inclusive, or the provisions of this Act is subject to de novo appeal
14 under the provisions of chapter 13-46. The Department of Education and Cultural Affairs may
15 promulgate rules pursuant to chapter 1-26 specifying procedural and administrative requirements
16 for the implementation of the open enrollment program and related transfers and enrollments
17 under the provisions of §§ 13-28-40 to 13-28-47, inclusive, and the provisions of this Act.

18 Section 5. That § 13-28-45 be amended to read as follows:

19 13-28-45. The parent or guardian of a student who has been accepted for transfer is
20 responsible for transporting the student to school in the receiving district or to the voucher
21 school without reimbursement. ~~Either the district of residence or~~ The resident district, the
22 receiving district, or the voucher school may provide transportation to students approved for
23 transfer. The provisions of § 13-29-4 do not apply when transporting students enrolled under the
24 provisions of §§ 13-28-40 to 13-28-47, inclusive, or the provisions of this Act. The resident
25 district, the receiving district, or the voucher school may charge a reasonable fee if the student

1 elects to use the transportation services offered by the receiving district or the voucher school.

2 Section 6. That § 13-28-46 be amended to read as follows:

3 13-28-46. A school district shall accept credits for any course completed in any other
4 accredited school district or voucher school as the result of a transfer under §§ 13-28-40 to
5 13-28-47, inclusive, or the provisions of this Act. The nonresident district or voucher school
6 shall award a diploma to a nonresident student only if the student satisfactorily meets its
7 graduation requirements.

8 Section 7. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The parents or guardians of a group of at least twenty students who are eligible to apply for
11 admission to a voucher school pursuant to section 14 of this Act may apply to the Department
12 of Education and Cultural affairs for permission to establish a voucher school in South Dakota.
13 The number of voucher schools in a district and in the state is not limited. Once established as
14 provided in this Act, the voucher school may accept additional open enrollment students.

15 Section 8. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Each voucher school shall develop and adhere to measurable student achievement goals and
18 remain accountable in accordance with an agreement between the school and the department
19 authorizing the establishment of the school. In return for this accountability, a voucher school
20 is exempt from all statutes and rules applicable to a school, a school board, or a school district,
21 except as provided in this Act. Voucher schools are subject to the same requirements for
22 academic achievement testing as other public schools pursuant to § 13-3-55. If the average
23 academic achievement test scores at a voucher school for two consecutive years are not in the
24 highest twenty-five percent of the academic achievement test scores for schools in South Dakota,
25 the school is ineligible for voucher funding during the next academic year unless the Department

1 of Education and Cultural Affairs has granted a waiver based on the composition or purposes
2 of the school. No voucher school that has been denied voucher funding based on achievement
3 test scores pursuant to this section may be reorganized under a different name solely for
4 purposes of receiving voucher funding unless the department determines that a substantial change
5 has occurred or will occur that is likely to improve the school's performance. The department
6 shall promulgate rules pursuant to chapter 1-26 to establish methods for determining a voucher
7 school's average academic achievement test scores and methods for comparison with test scores
8 in other schools. The rules shall include criteria for granting a waiver, based on the composition
9 or purposes of the school, from the revocation of a school's voucher funding and procedures
10 required for requesting and obtaining a waiver.

11 Section 9. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The agreement authorizing the establishment of a voucher school shall be in the form of a
14 written contract approved by Department of Education and Cultural Affairs and signed by the
15 provisional board of directors of the proposed voucher school. The contract shall be in writing
16 and shall contain at least the following:

- 17 (1) A description of a program that will achieve any of the following purposes:
- 18 (a) Improve student learning;
 - 19 (b) Increase learning opportunities for students;
 - 20 (c) Encourage innovation in teaching methods;
 - 21 (d) Establish accountability for public schools;
 - 22 (e) Apply the benefits of competition to the improvement of education;
 - 23 (f) Create new professional opportunities for teachers, including the opportunity
24 to exercise expanded responsibility for the educational curriculum at the
25 school;

- 1 (2) Specific results that students are to achieve, including any testing and high school
2 graduation requirements and compliance with any education or achievement standards
3 that may be adopted by the State of South Dakota;
- 4 (3) Admission policies and procedures;
- 5 (4) Management and administration policies of the school, including a description of the
6 group or entity that is sponsoring or operating the school;
- 7 (5) Requirements and procedures for program and financial audits;
- 8 (6) A description of the school's proposed operations and program of study;
- 9 (7) Assumption of liability by the school;
- 10 (8) Types and amounts of insurance coverage to be obtained by the school;
- 11 (9) The term of the contract, which may not exceed five years; and
- 12 (10) The names of the provisional board of directors of the school and a description of the
13 number of members and method of election of the regular board of directors in
14 accordance with the provisions of this Act.

15 Section 10. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 The following provisions apply to each voucher school:

- 18 (1) A voucher school is a public school, but is not under the jurisdiction of any school
19 district;
- 20 (2) The school shall meet all applicable state and local health and safety requirements for
21 facilities, students, and staff;
- 22 (3) The school shall be nonreligious in its programs, curriculum, admission policies,
23 employment practices, and all other operations;
- 24 (4) The school shall be operated on a not-for-profit basis;
- 25 (5) No voucher school may be used as a method of providing education or generating

- 1 revenue for students who are receiving alternative instruction pursuant to § 13-27-3;
- 2 (6) The school shall provide a comprehensive program of instruction for at least one
3 grade or age group from five through eighteen years of age, the provisions of § 13-
4 28-5 notwithstanding. The school shall meet minimum curriculum requirements
5 established for public school students of the same grade or age group;
- 6 (7) Any student enrolled in a voucher school may receive dual high school and college
7 credit for completed course work to the same extent and under the same conditions
8 that students in other public schools are eligible for such credit;
- 9 (8) The school shall comply with federal and state statutes, regulations, and rules relating
10 to the education of students with disabilities as though it were a school district;
- 11 (9) The school shall comply with the provisions of chapter 13-32 related to the dismissal,
12 suspension, and expulsion of students;
- 13 (10) The school is subject to the same financial audits, audit procedures, and audit
14 requirements as a school district, except to the extent deviations are necessary
15 because of the program at the school. The Department of Education and Cultural
16 Affairs, the state auditor, or the Department of Legislative Audit may conduct
17 financial, program, or compliance audits of a voucher school;
- 18 (11) A voucher school is a school district for the purposes of tort liability;
- 19 (12) The school may sue and be sued;
- 20 (13) The school may enter into contracts to assist in the implementation of the school's
21 operations or program or to make other educational, social, or correctional programs
22 or services available to the school or its students;
- 23 (14) Voucher schools and their students are eligible to participate in interscholastic
24 activities sanctioned by the South Dakota High School Activities Association
25 pursuant to chapter 13-36;

1 (15) No voucher school may levy taxes or issue bonds;

2 (16) Any leased or purchased property used primarily for the operation of a voucher
3 school is exempt from the property tax.

4 Section 11. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Department of Education and Cultural Affairs shall either accept or reject an application
7 for the establishment of a voucher school within ninety days after the application was received.
8 Final approval for a voucher school shall be completed by January first of the year preceding
9 enrollment. An applicant may submit a revised application for reconsideration by the department.
10 If the department rejects the initial application or a revised application, the department shall
11 notify the applicant in writing of the reasons for the rejection. The applicant may request, and
12 the department may provide, technical assistance to improve the application. The decision of the
13 department regarding a request for the creation of a voucher school is subject to de novo appeal
14 under the provisions of chapter 13- 46. The granting or renewal of approval by the department
15 for the establishment or operation of a voucher school may not be conditioned upon the presence
16 or absence of a collective bargaining agreement among the employees of the school. Each
17 voucher school shall be organized and operated as a cooperative or nonprofit corporation under
18 Title 47. The department may authorize the establishment of a voucher school before the
19 applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the
20 authority is necessary for it to raise working capital. A voucher school shall provide the
21 information required by the department in rules promulgated pursuant to chapter 1-26 at least
22 annually. The reports are public information pursuant to chapter 1-27.

23 Section 12. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 A voucher school may be operated by parents, teachers, businesses, nonprofit organizations,

1 or other persons or entities. The Department of Education and Cultural Affairs shall provide
2 information to interested parties on how to form and operate a voucher school.

3 Section 13. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Within one year after the Department of Education and Cultural Affairs has authorized the
6 establishment of a voucher school, the school's provisional board of directors shall hold an
7 election for members of the school's regular board of directors. Any staff members, including
8 teachers, who are employed at the school, all parents of children enrolled in the school, and any
9 other person may seek a position on the school's board of directors. Only staff members and
10 teachers employed by the school and parents of children enrolled in the school may vote in the
11 election. Any board of directors meeting shall comply with chapter 1-25.

12 Section 14. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any kindergarten through twelfth grade student residing in the State of South Dakota is
15 eligible to apply for admission to a voucher school. The school shall adopt admission standards
16 for new students through official board action, set the standards forth in writing, and make them
17 available to any person upon receiving an oral or written request. Notwithstanding the provisions
18 of § 13-28-44, standards may consider academic abilities and interests; capacity of the program,
19 class, and grade level; and student/teacher ratio. No voucher school may discriminate based on
20 race, gender, religion, disability, or financial ability to pay. A voucher school may use a lottery
21 to select students for admission if the number of qualified applicants exceeds the available
22 openings. Any public school may refuse admission to any student who has been expelled from
23 a voucher school, and any voucher school may refuse admission to any student who has been
24 expelled from a public school.

25 Section 15. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 For any student enrolled in a voucher school, any financial or other assistance from federal
3 sources that would have been associated with the student and that would otherwise have been
4 provided to the school district in which the student would have been enrolled shall be provided
5 to the voucher school in which the student is enrolled. No voucher school may charge tuition.
6 A voucher school may accept any lawful gift, grant, donation, or other financial assistance. The
7 gift, grant, donation, or other financial assistance shall be used in accordance with terms and
8 conditions specified by the donor and may not be contrary to the terms of the agreement under
9 which the voucher school was established. The acceptance of such gifts, grants, donations, or
10 other financial assistance does not diminish the voucher school's eligibility for funding available
11 pursuant to this Act.

12 Section 16. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The resident district is responsible for the provision of a free, appropriate public education
15 for students in need of special education or special education and related services. A request to
16 transfer a student in need of special education or special education and related services to a
17 voucher school may be granted only if, through the placement committee process, the resident
18 district and the voucher school determine that the school can provide an appropriate instructional
19 program and facilities to meet the student's needs. The resident district shall reimburse the
20 voucher school for costs incurred in providing an appropriate special education for a student in
21 need of special education and related services. The reimbursement shall be reduced by the
22 amount of any voucher payment received by the school for the student for the corresponding
23 school year. Notwithstanding any other provisions of this Act, the placement committee,
24 including representatives of the resident and voucher school, shall determine whether a student
25 in need of special education requires transportation as a related service. If so, the resident district

1 shall provide or ensure the provision of transportation.

2 If a parent or guardian of a student in need of special education or special education and
3 related services wishes to transfer the student back to the resident district, the request shall be
4 considered by the placement committee. The committee shall include representatives of the
5 resident district and the voucher school.

6 Section 17. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 A voucher school may lease space from an eligible school district or a nonsectarian public
9 or private organization able to provide such a facility. Space may be leased from a sectarian
10 organization if the lease is first approved by the Department of Education and Cultural Affairs.

11 Section 18. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A voucher school shall provide instruction each year for at least the number of days and
14 hours required by §§ 13-26-2 and 13-26-2.1. A voucher school may provide instruction
15 throughout the year according to § 13-26-2.

16 Section 19. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 No sponsor or operator of a voucher school, member of the board of a sponsor or operator
19 in an official capacity, or employee of a sponsor or operator is civilly liable with respect to any
20 activity related to a voucher school that such person may approve or sponsor. The board of
21 directors shall obtain at least the amount of and types of insurance required by the contract,
22 pursuant to section 9 of this Act.

23 Section 20. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 The duration of a voucher school's authorization to operate is for the term contained in the

1 agreement with the Department of Education and Cultural Affairs executed pursuant to section
2 9 of this Act. The department may renew or refuse to renew the agreement at the end of the term
3 for any ground listed in this section. At least sixty days before not renewing or terminating a
4 contract, the department shall notify the board of directors of the school of the proposed action
5 in writing. The notice shall state the grounds for the proposed action in reasonable detail and that
6 the school's board of directors may request in writing an informal hearing before the department
7 within thirty days of receiving notice of nonrenewal or termination of the agreement. Failure by
8 the board of directors to make a written request for a hearing within the thirty-day period
9 constitutes acquiescence to the proposed action. Upon receiving a timely written request for a
10 hearing, the department shall give reasonable notice to the school's board of directors of the
11 hearing date. The department shall conduct an informal hearing before taking final action. The
12 department shall take final action to renew or not renew the agreement by April first. An
13 agreement may be terminated or not renewed upon any of the following grounds:

- 14 (1) Failure to meet the requirements for student performance contained in the agreement;
- 15 (2) Failure to meet generally accepted standards of fiscal management;
- 16 (3) Failure to address legitimate health and safety concerns; or
- 17 (4) Violation of law.

18 If an agreement is terminated or not renewed, the voucher school shall be dissolved in the
19 same manner as a cooperative or nonprofit corporation pursuant to Title 47. If an agreement is
20 not renewed or is terminated pursuant to this section, a student who attended the school, siblings
21 of the student, or another student who resides in the same place as the student may enroll in the
22 resident district or may submit an application to a nonresident district according to the
23 enrollment options program established pursuant to § 13-28-40. Applications and notices
24 required for the enrollment options program shall be processed and provided in a prompt
25 manner, and the application and notice deadlines for the enrollment options program do not

1 apply under these circumstances.

2 Section 21. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The Department of Education and Cultural Affairs shall promulgate rules pursuant to chapter
5 1-26 to provide, in accordance with the provisions of this Act, for the establishment,
6 administration, and dissolution of voucher schools and governing the programs of study,
7 admission and enrollment standards and procedures, personnel policies, and transportation
8 policies for voucher schools. The rules shall include procedures for the issuance and redemption
9 of vouchers and conditions for the waiver of academic and testing standards or required test
10 results.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 178

3 1/24/00 Referred to State Affairs.

4 1/31/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 299

5 1/31/00 Scheduled for Committee hearing on this date.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

228D0221

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1265** - 2/1/00

Introduced by: Representatives Hunt, Apa, Duenwald, Eccarius, Fryslie, Heineman, Klaudt, Koskan, McCoy, Monroe, Napoli, and Young and Senators Madden, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish an education voucher system to pay a portion
2 of costs paid by students enrolled in certain nonpublic schools.

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

4 Section 1. Effective July 1, 2001, the State of South Dakota shall make available an
5 education voucher, in an amount specified by the provisions of this Act, to a parent or guardian
6 of each student enrolled in kindergarten through grade twelve, inclusive, as provided by this Act.

7 Section 2. Terms used in this Act mean:

- 8 (1) "Department," the Department of Education and Cultural Affairs;
- 9 (2) "Public school," a school that receives a majority of its revenues from public funds;
- 10 (3) "Qualified applicant", a parent or guardian of a voucher student, whose voucher
11 application is approved by the department;
- 12 (4) "Voucher school," an accredited, nonpublic, nongovernmental school that offers
13 instruction at one or more grade levels from kindergarten through grade twelve,
14 inclusive, physically located in South Dakota which provides instruction each year for
15 at least the number of days and hours set forth in §§ 13-26-2 and 13-26-2.1; which

1 does not discriminate on the basis of race, gender, or disability; and which conducts
2 academic achievement testing similar to that required for public school districts by
3 § 13-3-55; and

4 (5) “Voucher student,” a minor, who is enrolled in or attending a voucher school.

5 Section 3. A parent or guardian of each kindergarten through twelfth grade student who
6 desires to enroll in a voucher school may file a voucher application form with the department
7 anytime before the end of the school year. The department shall issue a voucher to each qualified
8 applicant within thirty days of the end of the school year.

9 Section 4. To be eligible to receive an education voucher, the parent or guardian shall
10 provide the department with information which verifies that the voucher student has met the
11 following requirements:

12 (1) The voucher student has attended a voucher school for the entire academic year for
13 which the voucher is provided;

14 (2) The voucher student has paid tuition of at least five hundred dollars to the voucher
15 school for the academic year;

16 (3) The voucher school has certified the attendance and payment as required in
17 subdivisions (1) and (2).

18 Section 5. The amount of the voucher is one-third of the per student allocation as defined
19 in § 13-13-10.1 as of July 1, 2000. The voucher amount shall be adjusted each year by the index
20 factor as defined in § 13-13-10.1. However, the amount of the voucher may not exceed the
21 amount paid for the student to the voucher school for tuition.

22 Section 6. For each voucher student who received a voucher, the school district in which
23 the voucher student's parent or guardian resides may add one-third of one student to the school
24 district's general enrollment average daily membership, as defined in § 13-13-10.

25 Section 7. In the first year only of the education voucher program established by this Act,

1 the amount of the voucher, as provided in section 5 of this Act, for any voucher student who
2 attended a voucher school during the previous year shall be reduced by fifty percent.

3 Section 8. If any voucher student attended a public school during the year prior to attending
4 a voucher school, the amount of the educational voucher for the voucher student for the first
5 year the voucher student is enrolled in the voucher school shall be reduced by fifty percent.

6 Section 9. No school district is responsible for the provision of transportation for any
7 voucher student.

8 Section 10. If the average academic achievement test scores at a voucher school for two
9 consecutive years fail to exceed national averages for the test, the department may decline to pay
10 any voucher for any voucher student attending the voucher school during the next academic year.

11 Section 11. The department shall promulgate rules pursuant to chapter 1-26 to provide, in
12 accordance with the provisions of this Act, for the issuance and payment of vouchers.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 196

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 300

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

781D0001

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1290** - 2/1/00

Introduced by: Representatives Smidt, Duenwald, Eccarius, Haley, Jaspers, Konold, Peterson,
and Richter

1 FOR AN ACT ENTITLED, An Act to provide for certain members of the Executive Board of
2 the Legislative Research Council.

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

4 Section 1. That § 2-9-2 be amended to read as follows:

5 2-9-2. The ~~state~~ Legislative Research Council shall have an Executive Board, to be known
6 as the Executive Board of the Legislative Research Council, which shall consist of ~~fifteen~~
7 nineteen members, as follows: six members from the Senate and seven members from the House,
8 to be elected by a majority vote by their respective legislative bodies before the close of each
9 regular session of the Legislature held in odd-numbered years, ~~and ex-officio the majority and~~
10 minority leaders of the Senate, the majority and minority leaders of the House, the president pro
11 tempore of the Senate, and the speaker of the House elected in such regular session. Each
12 senator and each representative serving on the Executive Board, ~~including each ex-officio~~
13 ~~member~~, shall serve until a new executive board has been selected at the next such regular
14 legislative session; ~~provided, however, that no.~~ No senator who is not reelected to the Senate
15 and no representative who is not reelected to the House of Representatives, ~~shall~~ may serve as
16 a member of the board beyond the closing day of the term to which ~~he was~~ elected. When the

1 Legislature is not in such regular session, the number of senate and house members on the
2 Executive Board shall remain constant, and any vacancy then occurring shall be filled by the
3 remaining board members of that legislative body affected. No board member, ~~excepting ex~~
4 ~~officio, shall~~ may serve more than three successive terms.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to State Affairs.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 1/31/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 300

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0307

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB21** - 2/1/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to allow for additional public distribution of sex offender
2 information.

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

4 Section 1. That § 22-22-34 be amended to read as follows:

5 22-22-34. The Division of Criminal Investigation may make the file available to any regional
6 or national registry of sex offenders. The division shall accept files from any regional or national
7 registry of sex offenders and shall make such files available ~~when~~ if requested pursuant to
8 §§ 22-22-30 to 22-22-39, inclusive. The division may compile regional or statewide registration
9 lists for public inspection as provided by chapter 1-27 or public distribution, including electronic
10 or internet distribution.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass, Passed, AYES 5, NAYS 1. S.J. 42

5 1/15/00 Senate Do Pass, Failed, AYES 14, NAYS 18. S.J. 61

6 1/15/00 Intent to reconsider. S.J. 61

7 1/18/00 Senate Reconsidered, AYES 27, NAYS 7. S.J. 69

8 1/19/00 Senate Deferred to another day. S.J. 120

9 1/20/00 Motion to Amend, Passed. S.J. 129

10 1/20/00 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 130

11 1/21/00 First read in House and referred to Judiciary. H.J. 185

12 1/31/00 Scheduled for Committee hearing on this date.

13 1/31/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 298