

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

964V0462

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1142** - 02/19/2014

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



1 to provide general operating and capital support to any postsecondary technical institute. The
2 funds necessary to execute this section may be appropriated from the county general fund, the
3 capital outlay fund, or both.

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

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

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

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

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

23 Any postsecondary technical institute, LEA school district or school districts, or any
24 combination of them that established a postsecondary technical institute may modify the

1 postsecondary technical institute's governing board, the procedure for selecting the governing
2 board members and may determine whether to establish the postsecondary technical institute
3 as a distinct separate LEA.

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

9 Section 7. Any money in the postsecondary technical institute equipment fund is
10 continuously appropriated for distribution as provided in this section. The secretary of education
11 shall grant the money to the postsecondary technical institutes to purchase equipment.
12 Equipment purchases shall be based upon priorities established by each postsecondary technical
13 institute, approved by each postsecondary technical institute's governing body and approved by
14 the South Dakota Board of Education.

15 Section 8. There is hereby appropriated from the general fund the sum of one dollar (\$1),
16 or so much thereof as may be necessary, to the Department of Education for the maintenance
17 and repair of the postsecondary technical institute buildings to be apportioned and distributed
18 by the South Dakota Board of Education.

19 Section 9. There is hereby appropriated from the general fund the sum of one dollar (\$1),
20 or so much thereof as may be necessary, to the Department of Education to support an increased
21 per student allocation for postsecondary technical education students under the rules adopted
22 by the South Dakota Board of Education pursuant to § 13-39-38.

23 Section 10. The secretary of education shall approve vouchers and the state auditor shall
24 draw warrants to pay expenditures authorized by this Act.

1 Section 11. Any amounts appropriated in this Act not lawfully expended or obligated by
2 June 30, 2015, shall revert in accordance with the procedures prescribed in chapter 4-8.