

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

892W0302

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1118** - 02/11/2015

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

Introduced by: Representatives Mickelson, Bartling, Bolin, Conzet, DiSanto, Dryden, Gosch, Haggar (Don), Hawley, Jensen (Alex), Johns, Langer, Latterell, Otten (Herman), Partridge, Qualm, Romkema, Schoenbeck, Sly, Solum, Stalzer, Tulson, Westra, and Zikmund and Senators Peters, Brown, Heineman (Phyllis), Holien, Lederman, Otten (Ernie), Soholt, Sutton, and White

1 FOR AN ACT ENTITLED, An Act to provide for oversight of postsecondary technical
2 institutes.

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

4 Section 1. That § 13-39-34 be amended to read as follows:

5 13-39-34. Any LEA proposing to ~~operate~~ establish a postsecondary technical institute ~~or~~
6 ~~establish an existing postsecondary technical institute as a separate legal entity after July 1,~~
7 2015, may petition the state board pursuant to §§ 13-39-35 to ~~13-39-36~~ 13-39-35.2, inclusive.
8 The state board may conduct hearings, investigate school records, and secure other data relating
9 to the proposed postsecondary technical institute, its geographical location, the demography and
10 economy of the area, and any other facts relating to the proposed postsecondary technical
11 institute which the state board may consider appropriate. This section does not apply to a
12 distinct separate LEA established pursuant to § 13-39-35.3.



1 Section 2. That § 13-39-35.3 be amended to read as follows:

2 13-39-35.3. Any postsecondary technical institute, ~~LEA~~ school district LEA or school
3 districts, or any combination of them that established a postsecondary technical institute before
4 July 1, 2015, may ~~modify the postsecondary technical institute's governing board, the procedure~~
5 ~~for selecting the governing board members and may determine whether~~ file a petition with the
6 state board to establish the postsecondary technical institute as a distinct separate LEA, which
7 shall be an LEA and a public body under chapter 1-16A. The state board must approve the
8 petition before the postsecondary technical institute may operate as a distinct separate LEA.
9 Upon establishment of such a distinct separate LEA, the school district LEA shall assign to, and
10 the newly established distinct separate LEA shall expressly assume, all duties and powers and
11 all rights, covenants, and obligations concerning the postsecondary technical institute, including
12 without limitation all rights, covenants and obligations of the school district in connection with
13 any lease purchase agreement or sublease authorized under §§ 13-39-66 to 13-39-71, inclusive,
14 and any and all instruments and other agreements related thereto. Nothing in this section is
15 intended to prohibit an agreement between the school district LEA and the distinct separate LEA
16 pursuant to chapter 1-24. The distinct separate LEA established pursuant to this section is not
17 subject to §§ 13-39-34 to 13-39-35.2, inclusive.

18 Section 3. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 A board consisting of nine members shall govern the distinct separate LEA established
21 pursuant to § 13-39-35.3.

22 Section 4. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 No board member may serve more than three consecutive terms on the distinct separate LEA

1 board referenced in section 3 of this Act. Three board members shall serve an initial one-year
2 term. Three board members shall serve an initial two-year term. Three board members shall
3 serve an initial three-year term. All subsequent board member terms shall be for a period of
4 three years. The board of the school district LEA referenced in § 13-39-35.3 shall appoint all
5 the initial board members.

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

8 After a member's initial term on the board of the distinct separate LEA is finished, the board
9 of the school district LEA, with input from trade and industry representatives in the region and
10 the postsecondary technical institute president, shall continue to appoint the three board member
11 positions whose initial terms were three years. After the distinct separate LEA board member's
12 initial term is finished, the Governor shall appoint the three board members of the board whose
13 initial terms were one year. After the distinct separate LEA board member's initial term is
14 finished, the nine person distinct separate LEA board, with input from trade and industry
15 representatives in the region and the postsecondary technical institute president, shall appoint
16 the three board members of the board whose initial terms were two years.