

AN ACT

ENTITLED, An Act to provide for oversight of postsecondary technical institutes.

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

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

13-39-34. Any LEA proposing to establish a postsecondary technical institute after July 1, 2015, may petition the state board pursuant to §§ 13-39-35 to 13-39-35.2, inclusive. The state board may conduct hearings, investigate school records, and secure other data relating to the proposed postsecondary technical institute, its geographical location, the demography and economy of the area, and any other facts relating to the proposed postsecondary technical institute which the state board may consider appropriate. This section does not apply to a distinct separate LEA established pursuant to § 13-39-35.3.

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

13-39-35.3. Any postsecondary technical institute, school district LEA or school districts, or any combination of them that established a postsecondary technical institute before July 1, 2015, may file a petition with the state board to establish the postsecondary technical institute as a distinct separate LEA, which shall be an LEA and a public body under chapter 1-16A. The state board must approve the petition before the postsecondary technical institute may operate as a distinct separate LEA. Upon establishment of such a distinct separate LEA, the school district LEA shall assign to, and the newly established distinct separate LEA shall expressly assume, all duties and powers and all rights, covenants, and obligations concerning the postsecondary technical institute, including without limitation all rights, covenants and obligations of the school district in connection with any lease purchase agreement or sublease authorized under §§ 13-39-66 to 13-39-71, inclusive, and any and all instruments and other agreements related thereto. Nothing in this section is intended to prohibit an agreement between the school district LEA and the distinct separate LEA pursuant to

chapter 1-24. The distinct separate LEA established pursuant to this section is not subject to §§ 13-39-34 to 13-39-35.2, inclusive.

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

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

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

No board member may serve more than three consecutive terms on the distinct separate LEA board referenced in section 3 of this Act. Three board members shall serve an initial one-year term. Three board members shall serve an initial two-year term. Three board members shall serve an initial three-year term. All subsequent board member terms shall be for a period of three years. The board of the school district LEA referenced in § 13-39-35.3 shall appoint all the initial board members.

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

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

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1118

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1118

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State