

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

785Z0366

## HOUSE EDUCATION ENGROSSED NO. **HB 1016** - 1/19/2018

Introduced by: The Committee on Education at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the authorization to  
2 provide postsecondary education.

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

4 Section 1. That § 13-48-37 be amended to read:

5 13-48-37. The secretary shall issue a certificate of authorization to provide postsecondary  
6 education to any postsecondary institution named in § 13-48-36. The secretary also may issue  
7 a certificate of authorization to provide postsecondary education to any other postsecondary  
8 institution to provide ~~educational~~ education programs at physical locations in this state ~~if the~~ to  
9 any postsecondary institution that:

10 (1) Is ~~established~~ as an instrumentality of this state or another state, ~~or is legally~~  
11 ~~established to operate as a private business entity or nonprofit corporation in~~  
12 ~~accordance with applicable state law~~ is duly organized and existing as a corporation  
13 or other entity under the laws of this state, or is qualified to conduct business as a  
14 foreign entity in this state; and



- 1 (2) Is accredited or ~~is~~ operating under an affiliation agreement whose terms make an  
2 accredited postsecondary institution responsible for awarding academic credit and  
3 educational credentials to its students and maintaining transcripts for such students;  
4 and
- 5 (3) Has filed with the secretary an application for certificate of authorization, on a form  
6 prescribed by the secretary, and paid an initial nonrefundable application fee of five  
7 hundred dollars.

8 Section 2. That § 13-48-38 be amended to read:

9 13-48-38. ~~Authorization to provide educational programs at physical locations in this state,~~  
10 ~~once granted by the secretary, is continuous so~~ Any certificate of authorization issued to a  
11 postsecondary institution named in § 13-48-36 remains in effect as long as the postsecondary  
12 institution continues to meet the requirements set forth in § in subdivisions 13-48-37(1) and (2)  
13 and has not been ordered to cease operations in the state pursuant to § 13-48-40.

14 Section 3. That chapter 13-48 be amended by adding a NEW SECTION to read:

15 Except as provided in section § 13-48-38, each certificate of authorization expires on the  
16 first day of July following the date of issue. The secretary shall annually renew the certificate  
17 of any postsecondary institution that:

- 18 (1) Continues to meet the requirements in subdivisions 13-48-37(1) and (2);  
19 (2) Has not been ordered to cease operations in the state pursuant to § 13-48-40; and  
20 (3) Has filed with the secretary on or before the first day of July of each year an  
21 application for renewal, on a form prescribed by the secretary, and paid a renewal fee  
22 of two hundred fifty dollars.

23 Section 4. That chapter 13-48 be amended by adding a NEW SECTION to read:

24 The secretary may reinstate an expired certificate of authorization if the postsecondary

1 institution:

- 2 (1) Continues to meet the requirements of subdivisions 13-48-37(1) and (2);
- 3 (2) Has not been ordered to cease its operations in the state pursuant to § 13-48-40; and
- 4 (3) Has filed with the secretary an application for reinstatement, on a form prescribed by
- 5 the secretary, and paid a nonrefundable reinstatement fee of two thousand five
- 6 hundred dollars.