

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

785Z0366

HOUSE ENGROSSED NO. **HB 1016** - 1/23/2018

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

15 (2) Is accredited or ~~is~~ operating under an affiliation agreement whose terms make an



1 accredited postsecondary institution responsible for awarding academic credit and  
2 educational credentials to its students and maintaining transcripts for such students;  
3 and

4 (3) Has filed with the secretary an application for certificate of authorization, on a form  
5 prescribed by the secretary, and paid an initial nonrefundable application fee of five  
6 hundred dollars.

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

8 13-48-38. ~~Authorization to provide educational programs at physical locations in this state,~~  
9 ~~once granted by the secretary, is continuous so~~ Any certificate of authorization issued to a  
10 postsecondary institution named in § 13-48-36 remains in effect as long as the postsecondary  
11 institution continues to meet the requirements set forth in § in subdivisions 13-48-37(1) and (2)  
12 and has not been ordered to cease operations in the state pursuant to § 13-48-40.

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

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

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

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

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

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