

AN ACT

ENTITLED, An Act to enhance the support for public postsecondary technical institutes, to transfer certain funds, to make an appropriation therefor, and to declare an emergency.

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

Section 1. That chapter 9-21 be amended by adding thereto a NEW SECTION to read as follows:

The governing body of a municipality may contribute sums of money to provide general operating and capital support to any postsecondary technical institute and other career and technical education purposes. The funds necessary to execute this section may be appropriated out of the municipal general fund, the capital outlay fund, or both.

Section 2. That chapter 7-18 be amended by adding thereto a NEW SECTION to read as follows:

Any county of this state may, through its county commissioners, contribute sums of money to provide general operating and capital support to any postsecondary technical institute and other career and technical education purposes. The funds necessary to execute this section may be appropriated from the county general fund, the capital outlay fund, or both.

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

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

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

13-39-38. The secretary of education shall apportion and distribute funds made available for postsecondary technical institutes through a formula approved by the South Dakota Board of

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

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

Any postsecondary technical institute, LEA school district or school districts, or any combination of them that established a postsecondary technical institute may modify the postsecondary technical institute's governing board, the procedure for selecting the governing board members and may determine whether to establish the postsecondary technical institute as a distinct separate LEA, which shall be an LEA and a public body under chapter 1-16A. Upon establishment of such a separate LEA, the school district shall assign to, and the newly established separate LEA shall expressly assume, 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.

Section 6. There is established a postsecondary technical institute equipment fund.

Section 7. One million five hundred thousand dollars (\$1,500,000) from the current balance of the postsecondary technical institutes facilities fund shall be transferred to the postsecondary technical institute equipment fund provided the collateral requirements associated with the postsecondary technical institute facilities fund have been released or satisfied.

Section 8. Any money in the postsecondary technical institute equipment fund is continuously appropriated for distribution as provided in this section. The secretary of education shall grant the

money to the postsecondary technical institutes to purchase equipment. Equipment purchases shall be based upon priorities established by each postsecondary technical institute, approved by each postsecondary technical institute's governing body and approved by the South Dakota Board of Education.

Section 9. There is hereby appropriated from the general fund the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, to the Department of Education for the maintenance and repair of the postsecondary technical institute buildings to be apportioned and distributed by the South Dakota Board of Education.

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

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

Section 12. That § 1-16A-95 be amended to read as follows:

1-16A-95. Beginning on July 1, 2013, the issuance of any additional bonds, notes, or other obligations of the authority which are payable out of receipts, rentals, and other payments made pursuant to lease purchase agreements with the Western Dakota Technical Institute, the Southeast Technical Institute, the Lake Area Technical Institute, the Mitchell Technical Institute, or the South Dakota Board of Education under the authority of chapter 13-39 shall be approved by the Legislature before issuance. This requirement, however, does not apply to the issuance of bonds for the purposes of refinancing or refunding existing bonds, notes, or other obligations.

Section 13. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to enhance the support for public postsecondary technical institutes, to transfer certain funds, to make an appropriation therefor, and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1142

\_\_\_\_\_  
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. 1142  
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