

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

209E0414

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1263** - 02/15/2001

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

Introduced by: Representatives Richter, Adelstein, and Clark and Senators Drake, Duxbury, and Symens

1 FOR AN ACT ENTITLED, An Act to create a board of postsecondary vocational education.

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

3 Section 1. There is hereby created the Board of Postsecondary Vocational Education. The
4 board shall consist of five members appointed by the Governor, and confirmed by the Senate as
5 follows: two members shall represent the various businesses and industries in South Dakota; two
6 members shall represent education; and one member shall be an at-large member. All members
7 shall be South Dakota residents and shall serve four-year terms. No member may serve more
8 than two consecutive full terms. No more than three members of the board may be of the same
9 political party.

10 Section 2. If a vacancy occurs as provided in § 3-4-1, the Governor shall appoint a member
11 to fill the vacancy, and the appointee shall serve for the balance of the unexpired term, unless the
12 Senate at the next legislative session fails to confirm the appointee. If the Senate fails to confirm
13 the interim appointee, the appointee shall serve until the last day of March and then a new
14 appointee shall be named by the Governor to serve what remains of the term.

1 Section 3. The Board of Postsecondary Vocational Education shall meet at least four times
2 a year. At its first meeting, and then annually thereafter, the board shall elect, from among its
3 members, a president, whose term of office shall be one year. The affirmative vote of a majority
4 of the members of the board is required for official actions. The board shall record its minutes,
5 which are open to the public. Meetings of the board are open meetings as per chapter 1-25. Any
6 member of the board may administer oaths and examine witnesses whenever necessary in the
7 performance of the duties of the board.

8 Section 4. The Board of Postsecondary Vocational Education shall have control of the public
9 postsecondary technical institutes defined in chapter 13-39, and is established within the
10 Department of Education and Cultural Affairs. The board shall be classified as a management
11 board for purposes of per diem and expenses pursuant to § 4-7-10.4.

12 Section 5. The Board of Postsecondary Vocational Education shall appoint an executive
13 director of postsecondary vocational education, who shall be a full-time employee of the board.
14 The executive director shall have a graduate degree from a recognized college or university and
15 shall, by training and experience, be familiar with the operations and problems of postsecondary
16 vocational institutions. The executive director shall have general control and supervision over
17 postsecondary vocational education, and shall carry out the directives of the board and be under
18 the board's general jurisdiction and supervision.

19 Section 6. That § 13-49-1 be amended to read as follows:

20 13-49-1. The control of the public postsecondary educational institutions of the state offering
21 college credit which are sustained wholly or in part by the state, excluding postsecondary
22 technical institutes defined in chapter 13-39, shall be vested in a board of nine members,
23 designated as the board of regents. The members shall be appointed by the Governor, by and
24 with the consent of the Senate.

1 Section 7. That § 13-39-1.2 be amended to read as follows:

2 13-39-1.2. Terms used in this chapter, mean:

3 (1) "Adult vocational education," the training provided to upgrade or update the
4 occupational skills of persons who are preparing to, or have already, entered an
5 occupation;

6 (2) "Center board," the governing body of a multidistrict center for secondary vocational
7 education;

8 (3) "Director," the director of secondary vocational education;

9 (4) "Division," the division of education services and resources of the Department of
10 Education and Cultural Affairs;

11 ~~(4)~~(5) "Executive director," the executive director of postsecondary vocational education;

12 (6) "Facilities," buildings, rooms, property and permanent equipment, including vehicles,
13 used to provide vocational education;

14 ~~(5)~~(7) "LEA," a local education agency limited to public school districts and the legal entities
15 that a school district is authorized to establish;

16 ~~(6)~~(8) "Multidistrict center," a multidistrict secondary occupational vocational education
17 center;

18 ~~(7)~~(9) "Multi-use facility," a structure or part of a structure for student or faculty use as a
19 lounge area, cafeteria, classroom, or large group area not operated as a student union
20 building in which student fees are charged and utilized to pay for construction and
21 maintenance of a facility under the direct or indirect control of the students;

22 ~~(8)~~(10) "Participating district," a school district which has voting representation on a
23 multidistrict center board;

24 ~~(9)~~(11) "Postsecondary technical institute," a public nonprofit school legally authorized

1 to provide public postsecondary ~~technical~~ vocational education which does not
2 culminate in a baccalaureate degree at that school;

3 ~~(10)~~(12) "Secretary," the ~~state~~ secretary of the Department of Education and Cultural
4 Affairs;

5 ~~(11)~~—"State board," ~~the South Dakota Board of~~ Education;

6 ~~(12)~~(13) "Vocational education," organized programs at the secondary, postsecondary
7 or adult levels directly related to the preparation of individuals for paid or
8 unpaid employment, or for the additional preparation for a career requiring
9 other than a baccalaureate or advanced degree.

10 Section 8. That § 13-3-1.4 be amended to read as follows:

11 13-3-1.4. Subject to policies established by the South Dakota Board of Education, the
12 secretary of the Department of Education and Cultural Affairs has general supervision over all
13 accredited elementary and secondary schools ~~and postsecondary technical institutes~~ in the state,
14 including ~~adult~~ secondary vocational education, kindergarten, preschool, and summer schools.

15 Section 9. That § 13-1-12.1 be amended to read as follows:

16 13-1-12.1. The South Dakota Board of Education shall adopt rules pursuant to chapter 1-26
17 to establish standards for the classification and accreditation of schools within this state, to
18 establish standards for preparation of certified personnel, to set forth procedures for determining
19 the eligibility of school districts to receive state foundation aid effective January 1, 1997, to
20 adopt policies and rules necessary to establish standards and procedures for ~~vocation-technical~~
21 secondary vocational education and to establish minimum curriculum requirements for all public
22 and nonpublic schools within the state.

23 Section 10. That § 13-39-8 be amended to read as follows:

24 13-39-8. Notwithstanding § 13-15-2, the general control and supervision over secondary

1 vocational education as provided in this chapter is the duty of the director of secondary
2 vocational education under the direction of the secretary of the Department of Education and
3 Cultural Affairs.

4 Section 11. That § 13-39-9 be amended to read as follows:

5 13-39-9. The director of secondary vocational education has general control and supervision
6 over all secondary vocational education in all public secondary schools, ~~public postsecondary~~
7 ~~institutions not under the control of the board of regents~~ and all other vocational education
8 functions assigned ~~to him~~ by the secretary of the Department of Education and Cultural Affairs.

9 Section 12. That § 13-39-12 be amended to read as follows:

10 13-39-12. The secretary of the Department of Education and Cultural Affairs and the
11 executive director of postsecondary vocational education may cooperate on behalf of the South
12 Dakota Board of Education and the Board of Postsecondary Vocational Education, respectively,
13 with federal agencies in the administration of any Acts of Congress relating to vocational
14 education.

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

16 13-39-13. The secretary of the Department of Education and Cultural Affairs and the
17 executive director of postsecondary vocational education may enter into contracts and
18 agreements with any agency of the United States government or any agency of the state
19 government or its political subdivisions for the purpose of vocational education, receive grants
20 of federal funds for vocational education and expend those funds under rules adopted,
21 respectively, by the South Dakota Board of Education or the Board of Postsecondary Vocational
22 Education pursuant to chapter 1-26.

23 Section 14. That § 13-39-18 be amended to read as follows:

24 13-39-18. The executive director of postsecondary vocational education shall submit all

1 requests for new programs from the postsecondary technical institutes in the state to the ~~state~~
2 ~~board~~ Board of Postsecondary Vocational Education for action.

3 Section 15. That § 13-39-19 be amended to read as follows:

4 13-39-19. The secretary of the Department of Education and Cultural Affairs may distribute
5 funds appropriated ~~to him~~ by the Legislature, or granted by any federal agency to the state, in
6 accordance with chapter 4-8B, for vocational education in public secondary ~~and postsecondary~~
7 ~~technical institutes~~ schools in the state in accordance with a state plan or plans adopted by the
8 South Dakota Board of Education. The executive director of postsecondary vocational education
9 may distribute funds appropriated or granted, in accordance with chapter 4-8B, for
10 postsecondary vocational education in accordance with plans by the Board of Postsecondary
11 Vocational Education. The aid disbursed to the different schools ~~and technical institutes~~ of the
12 state and all expenses incurred in the administration of the provisions of any federal acts relating
13 to vocational education shall be paid out of the funds of the secretary or the executive director
14 appropriated for that purpose and from the federal funds allotted to the State of South Dakota
15 for similar purposes. The state treasurer is the custodian of all money paid to the state from
16 federal appropriations for the purpose of vocational education, and shall disburse the funds on
17 warrants issued by the state auditor upon vouchers approved by the director of secondary
18 vocational education or the executive director of postsecondary vocational education. The
19 secretary of the Department of Education and Cultural Affairs shall authorize the director of
20 secondary vocational education to submit vouchers to the state auditor for the amount payable
21 as state and federal aid to each school approved under the provisions of this chapter. The
22 executive director of postsecondary vocational education shall submit vouchers to the state
23 auditor for the amount payable as state and federal aid to each technical institute approved under
24 the provisions of this chapter. Upon receipt of the vouchers, the state auditor shall draw warrants

1 on the state treasury in favor of the treasurer or business manager of the public secondary ~~and~~
2 school or postsecondary technical institute for the sum approved by the secretary or executive
3 director.

4 Section 16. That § 13-39-21 be amended to read as follows:

5 13-39-21. The director of secondary vocational education and the executive director of
6 postsecondary vocational education shall prescribe a uniform system for gathering and reporting
7 vocational education data.

8 Section 17. That § 13-39-27 be amended to read as follows:

9 13-39-27. For the purposes of providing vocational education, all LEAs of this state may
10 establish, in cooperation with the ~~division~~ Department of Education and Cultural Affairs or the
11 Board of Postsecondary Vocational Education, a vocational department, classes or facilities for
12 vocational education, as provided in this chapter, under terms and conditions agreed upon. Any
13 LEA board may enter into any agreement to provide vocational education. An agreement made
14 pursuant to this section is not subject to the limitation of the tuition law. An LEA may expend
15 its money for vocational education.

16 Section 18. That § 13-39-28 be amended to read as follows:

17 13-39-28. Anyone who may profit from the vocational education course to which the person
18 applies may be enrolled upon application and acceptance in accordance with the provisions of
19 §§ 13-39-1.2 to 13-39-29, inclusive, and as prescribed by the South Dakota Board of Education
20 or the Board of Postsecondary Vocational Education.

21 Section 19. That § 13-39-29 be amended to read as follows:

22 13-39-29. The secretary of the Department of Education and Cultural Affairs, through the
23 director, and the executive director of postsecondary vocational education may receive, acquire,
24 have charge of, and operate all properties for the purposes authorized in this chapter. The

1 secretary or executive director may acquire by gift, subject to the provisions of § 5-24-12, or
2 purchase real and personal property for the use of vocational education and may dispose of or
3 transfer the same whenever the purposes of this chapter are benefited. ~~The~~ Neither the executive
4 director or the secretary may ~~not~~ purchase, lease, sell, encumber, or alienate any real property
5 without the consent and prior approval of the Legislature.

6 Section 20. That § 13-39-34 be amended to read as follows:

7 13-39-34. Any LEA proposing to operate a postsecondary technical institute or establish an
8 existing postsecondary technical institute as a separate legal entity may petition the ~~state~~ Board
9 of Postsecondary Vocational Education pursuant to §§ 13-39-35 to 13-39-36, inclusive. The
10 ~~state~~ board may conduct hearings, investigate school records, and secure other data relating to
11 the proposed postsecondary technical institute, its geographical location, the demography and
12 economy of the area, and any other facts relating to the proposed postsecondary technical
13 institute which the ~~state~~ board may consider appropriate.

14 Section 21. That § 13-39-35 be amended to read as follows:

15 13-39-35. If the ~~South Dakota board of education~~ Board of Postsecondary Vocational
16 Education finds that the classification petitioned for would further the educational interests of
17 the state, more nearly equalize the educational opportunities in certain phases of technical
18 education to persons in this state who are of the age and maturity to pursue study in preparation
19 for entering the labor market, be of potential benefit to persons in all communities of the state,
20 and is otherwise in accordance with the plans of the ~~state~~ board, it may recommend the petition
21 be approved by the Legislature.

22 Section 22. That § 13-39-35.2 be amended to read as follows:

23 13-39-35.2. The joint resolution passed pursuant to § 13-39-35.1 shall specify the duties and
24 powers of a the postsecondary technical institute. The resolution may also specify the procedure

1 for selecting members of the governing board, which may include local elections for such
2 members. A school established pursuant to § 13-39-35.1 may be a distinct legal entity separate
3 and apart from the school district or districts which established it.

4 Section 23. That § 13-39-36 be amended to read as follows:

5 13-39-36. If the petition is approved by the Legislature, the LEA may establish the proposed
6 school and the ~~state board~~ Board of Postsecondary Vocational Education shall classify the school
7 as a postsecondary technical institute. The ~~state~~ board shall conduct general supervision as
8 provided in § 13-39-37 and in the rules adopted pursuant to chapter 1-26 by the ~~state~~ board.

9 Section 24. That § 13-39-37 be amended to read as follows:

10 13-39-37. The ~~South Dakota board of education~~ Board of Postsecondary Vocational
11 Education may adopt rules pursuant to chapter 1-26, to be administered by the executive
12 director, governing the operation and maintenance of postsecondary technical institutes which
13 will afford the people of the state, insofar as practicable, an equal opportunity to acquire a public
14 technical education. The rules may provide for the following:

- 15 (1) Curriculum and standards of instruction and scholarship;
- 16 (2) Attendance requirements, age limits of trainees, eligibility for attendance, and tuition
17 payments and other charges;
- 18 (3) Apportionment and distribution of funds made available to the board for carrying out
19 the purposes of §§ 13-39-34 to 13-39-39, inclusive;
- 20 (4) Transportation requirements and payments;
- 21 (5) General administrative matters;
- 22 (6) The submission of the annual budget of the postsecondary technical institute which
23 shall include, but is not limited to, a description of programs, a list of staff positions,
24 and the amount for supplies and operating expenses associated with the programs

1 offered. The rules shall require the budget to include all operating costs of programs,
2 including those costs ineligible for reimbursement from federal and state funds, shall
3 state the procedure for amending and filing it with the division of education services
4 and resources and shall provide that failure to comply with the rules may result in
5 withholding of payments from federal and state funds;

6 (7) The submission of plans of LEAs for new construction or major renovation of
7 facilities eligible for reimbursement. The rules regarding these plans shall provide a
8 requirement that the LEA, by a written resolution, declare the LEA committed to
9 begin construction if the budget of the ~~state~~ board provides the matching funds;

10 (8) The promotion and coordination of vocational education; and

11 (9) The duplication of programs.

12 Section 25. That § 13-39-38 be amended to read as follows:

13 13-39-38. The ~~secretary of education and cultural affairs~~ executive director of postsecondary
14 vocational education shall apportion and distribute funds made available for postsecondary
15 technical institutes through a formula approved by the ~~South Dakota Board of Education~~ Board
16 of Postsecondary Vocational Education to the LEAs having jurisdiction over postsecondary
17 technical institutes to assist in maintaining and operating those schools. The use of the funds are
18 subject to rules adopted by the ~~state~~ board pursuant to subdivision 13-39-37(3) and in
19 accordance with the approved state plan for vocational education.

20 Section 26. That § 13-39-39 be amended to read as follows:

21 13-39-39. The ~~division~~ executive director of postsecondary vocational education shall
22 distribute funds to the postsecondary technical institutes under the provisions of § 13-39-38 from
23 money appropriated ~~to the division~~ for that purpose, and from federal funds allotted to the State
24 of South Dakota for that purpose.

1 Section 27. That § 13-39-41 be amended to read as follows:

2 13-39-41. The school boards of two or more school districts may submit to the South
3 Dakota Board of Education a proposed plan to establish a multidistrict center. The proposal shall
4 be consistent with the state plan for secondary vocational education and shall meet the rules as
5 adopted by the ~~state~~ board pursuant to chapter 1-26.

6 Section 28. That § 13-39-45 be amended to read as follows:

7 13-39-45. If four or less school districts comprise a multidistrict center and if enrollment
8 within the school districts is insufficient to provide five members in accordance with § 13-39-44,
9 the boards of the school districts shall agree upon the number and manner of selection of
10 members of the center board and shall submit their plan of selection for approval or disapproval
11 to the ~~state board~~ South Dakota Board of Education pursuant to § 13-39-41.

12 Section 29. That § 13-39-48 be amended to read as follows:

13 13-39-48. The director of secondary vocational education shall call and conduct the initial
14 organizational meeting of a center board. A center board shall meet at least monthly. At each
15 July meeting, the center board shall select officers for the current school year.

16 Section 30. That § 13-39-53 be amended to read as follows:

17 13-39-53. Multidistrict centers are subject to the rules adopted by the ~~state board~~ South
18 Dakota Board of Education pursuant to chapter 1-26 and to applicable statutory requirements
19 of school districts. A center board has the same power, authority, responsibility, and obligations
20 as a school board, except for the authority to levy taxes and to issue bonds. South Dakota
21 statutes relating to educational financial activities and other educational activities apply to
22 multidistrict centers unless otherwise prohibited by §§ 13-39-41 to 13-39-64, inclusive.

23 Section 31. That § 13-39-60 be amended to read as follows:

24 13-39-60. A school board by resolution may request that the center board approve the school

1 district as a participating district in an established multidistrict center. A center board may
2 require, as a condition of participation, payment of a fee not exceeding the applying school
3 district's pro rata share of all capital outlay expenditures, excluding state and federal
4 reimbursement from the ~~state board~~ South Dakota Board of Education, made by the center board
5 prior to the application for membership by the applying district. The school board shall publish
6 the resolution once in the official newspaper of that district.

7 Section 32. That § 13-39-66 be amended to read as follows:

8 13-39-66. Any LEA may enter into lease-purchase agreements with the Health and
9 Educational Facilities Authority or the ~~secretary of education and cultural affairs~~ executive
10 director of postsecondary vocational education for capital improvements for the design,
11 acquisition, construction, equipping or improvement of facilities the LEA considers necessary
12 or appropriate. In addition, the ~~secretary~~ executive director may enter into any lease-purchase
13 agreement of such facilities either with an LEA or the health and educational facilities authority.

14 Such lease-purchase agreements shall include such terms as the Health and Educational
15 Facilities Authority considers necessary, including without limitation, terms of default, remedies,
16 representations, and covenants of the lessee.

17 No such lease-purchase agreements are effective until approved by the ~~secretary of education~~
18 ~~and cultural affairs~~ executive director. The term lease-purchase agreements as used in this section
19 includes any sublease.

20 Section 33. That § 13-39-67 be amended to read as follows:

21 13-39-67. A lease-purchase agreement authorized by § 13-39-66 may be for a term of no
22 more than thirty years, shall be approved by the LEA board on behalf of the LEA, may provide
23 for the simultaneous conveyance of existing facilities to be leased-back with the improvements
24 and other property being financed, may provide for all right, title, and interest of the authority

1 to be conveyed to the LEA or the ~~secretary of education and cultural affairs~~ executive director
2 of postsecondary vocational education upon payment or other discharge of the bonds issued
3 therefor, and may contain such other provisions as the authority and the ~~state board~~ Board of
4 Postsecondary Vocational Education determine necessary or appropriate to secure payment of
5 amounts due under such agreements. No other statute may limit or otherwise restrict the power
6 and authority of an LEA or the ~~secretary~~ executive director to enter into such a lease-purchase
7 agreement or govern the procedure by which such agreement is authorized.

8 Section 34. That § 13-39-68 be amended to read as follows:

9 13-39-68. The ~~secretary of education and cultural affairs~~ executive director of postsecondary
10 vocational education may contract with or enter into other agreements with the South Dakota
11 Health and Educational Facilities Authority, one or more LEAs, the state treasurer or others in
12 order to pledge or otherwise transfer all or any portion of tuition and other student fees subject
13 to deposit in the tuition subaccount in order to secure payments by any LEA or the ~~secretary~~
14 executive director under a lease-purchase agreement with the authority. Any such contract or
15 other agreement may also provide for the release from such pledge and lien of such amounts as
16 are deemed not to be necessary for payment of amounts currently due and owing under
17 lease-purchase agreements. Any such pledge of such tuition and other student fees shall be valid
18 and binding from the time when the pledge is made. The amount of tuition and other fees so
19 pledged and thereafter received shall immediately be subject to the lien of such pledge without
20 any physical delivery thereof or further act, and the lien of any such pledge shall be valid and
21 binding as against the LEAs and any other persons having claims of any kind in tort, contract,
22 or otherwise against the LEA, the ~~secretary~~ executive director, the authority, the state treasurer
23 or any other person, irrespective of whether such persons have notice thereof. Neither the
24 contract nor any other agreement or instrument by which a pledge is created need to be

1 recorded.

2 Section 35. That § 13-39-69 be amended to read as follows:

3 13-39-69. There is created in the state treasury a separate trust fund on behalf of the
4 ~~secretary of education and cultural affairs to be on deposit with the state treasurer, such fund~~
5 executive director of postsecondary vocational education to be designated the vocational
6 education facilities fund. The fund ~~established hereby~~ shall consist of all appropriations by the
7 ~~state~~ Legislature specifically designated for deposit therein and any other moneys designated for
8 deposit therein, including any investment earnings thereon. The treasurer may create subfunds
9 or accounts within the trust fund created under this section as the treasurer considers necessary.
10 Any earnings from the investment of such fund may be transferred annually by the state treasurer
11 to the tuition subaccount established by § 13-39-70.

12 Section 36. That § 13-39-70 be amended to read as follows:

13 13-39-70. There is hereby created within the vocational education facilities fund ~~of the~~
14 ~~secretary of education and cultural affairs~~ a tuition subaccount. The ~~secretary~~ executive director
15 of postsecondary vocational education may determine and require that all or any portion of the
16 tuition and other student fees payable to an LEA shall be deposited in the subaccount. No
17 moneys may be disbursed from the tuition subaccount for any purpose other than to pay lease
18 rentals or other amounts due and owing in connection with any lease-purchase agreement
19 authorized under §§ 13-39-66 and 13-39-67 unless and until the Health and Educational
20 Facilities Authority files with the state treasurer a certification that it has on deposit or there has
21 otherwise been appropriated sufficient moneys to pay all amounts due or to become due within
22 the next three months on all such lease-purchase agreements. Thereafter, the state treasurer shall
23 retain in the vocational education facilities fund for future repair and improvement as authorized
24 by the Legislature such amounts, not to exceed ten percent thereof, as the ~~secretary~~ executive

1 director shall direct.

2 Section 37. That § 13-39-71 be amended to read as follows:

3 13-39-71. All or any portion of the lease-purchase obligations under or in connection with
4 any lease-purchase agreement authorized under §§ 13-39-66 and 13-39-67 may be paid or
5 discharged out of moneys available from the investment earnings on the vocational education
6 trust fund or from any amounts on deposit in the tuition subaccount of such fund upon the
7 determination by the ~~secretary of education and cultural affairs~~ executive director of
8 postsecondary vocational education to pledge or otherwise transfer such amounts to the Health
9 and Educational Facilities Authority.

10 Section 38. That § 13-39-72 be amended to read as follows:

11 13-39-72. An LEA operating an approved postsecondary vocational school may award an
12 associate in applied sciences degree. The ~~state board~~ Board of Postsecondary Vocational
13 Education may promulgate rules pursuant to chapter 1-26 providing for approval of programs
14 in postsecondary vocational education schools leading to an associate in applied science degree.
15 In approving any program, the ~~state~~ board shall consider curriculum, required hours, quality of
16 instruction, minimum standards for entry into the programs and standards for program
17 completion.

18 Section 39. That § 13-39-17.1 be amended to read as follows:

19 13-39-17.1. The ~~division~~ Department of Education and Cultural Affairs, on behalf of the
20 Board of Postsecondary Vocational Education, may collect fees for credentialing postsecondary
21 ~~technical vocational~~ technical vocational teachers. The ~~division shall credit all~~ funds generated by these fees shall be
22 deposited to a fund known as the postsecondary ~~technical vocational~~ technical vocational credentialing fund to be
23 administered by the state treasurer. ~~Any~~ Any payment from this fund is may only be by voucher
24 submitted to the state treasurer and is limited to promulgation of rules, forms, and incidental

1 administrative costs associated with the credentialing of postsecondary ~~technical~~ vocational
2 teachers.

3 Section 40. That § 33-6-6 be amended to read as follows:

4 33-6-6. Any member of the National Guard of the State of South Dakota, who is a resident
5 of the State of South Dakota and who possesses the entrance requirements for admission to any
6 postsecondary vocational program, is entitled to complete one program of study approved by
7 the ~~state Board of Education~~ Board of Postsecondary Vocational Education in any state
8 postsecondary vocational education institution upon payment of fifty percent of the tuition
9 charges. The remaining tuition shall be paid by the Department of Military and Veterans Affairs
10 out of funds appropriated for the purpose of paying fifty percent of the tuition.

11 Section 41. That § 13-53-44 be amended to read as follows:

12 13-53-44. ~~Commencing July 1, 1999, technical~~ Technical institutes governed by the Board
13 of Postsecondary Vocational Education and accredited by the North Central Association of
14 Colleges and Secondary Schools and universities governed by the Board of Regents and
15 accredited by the North Central Association of Colleges and Secondary Schools shall ~~have~~
16 continue articulation agreements in place to transfer sixty-four credit hours in the General
17 Studies Baccalaureate Degree program and up to sixty-four credit hours in compatible programs
18 offered by the respective institutions under the control of the Board of Regents. ~~By December 1,~~
19 ~~1998, the Board of Education and the Board of Regents shall report to the Executive Board of~~
20 ~~the Legislative Research Council on the progress of articulation agreements and the~~
21 ~~implementation of §§ 13-53-43 and 13-53-44.~~ The Board of Regents and the Board of
22 Postsecondary Vocational Education shall, by agreement, set the criteria and requirements for
23 the transfer of any credits. Criteria shall provide that any course recognized by a standardized
24 test shall transfer.