

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0757

HOUSE ENGROSSED NO. **SB 220** - 03/05/2003

Introduced by: The Committee on Education at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the Dakota Corps scholarship program, to
2 provide for its funding, to make an appropriation therefor, and to declare an emergency.

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

4 Section 1. The Dakota Corps scholarship program is hereby established within the
5 Department of Education and Cultural Affairs. The purpose of the Dakota Corps scholarship is
6 to encourage South Dakota's high school graduates to remain in South Dakota upon completion
7 of their postsecondary education and to contribute to South Dakota and its citizens.

8 Section 2. Terms used in this Act mean:

- 9 (1) "Department," the Department of Education and Cultural Affairs;
- 10 (2) "Secretary," the secretary of the Department of Education and Cultural Affairs;
- 11 (3) "Eligible institution," a public university, college, or technical school or a participating
12 private university, college, or technical school that is accredited by the North Central
13 Association of Colleges and Schools and provides instruction from a campus located
14 in South Dakota;
- 15 (4) "Participating private university, college, or technical school," a nonpublic institution
16 that is accredited by the North Central Association of Colleges and Schools, provides



1 instruction from a campus located in South Dakota, and agrees to waive tuition and
2 fees, provide scholarships, or provide other financial grants to the eligible student in
3 an amount such that the tuition waiver, scholarships, and other financial grants are at
4 least equal to the difference between the institution's tuition and fees and the Dakota
5 Corps tuition award;

6 (5) "Area of critical need," an occupation within South Dakota for certain employers in
7 certain geographical areas as specified by rules promulgated by the department;

8 (6) "Dakota Corps tuition award," an amount not to exceed the maximum tuition and fees
9 for sixteen credit hours at an institution of higher education under the control of the
10 South Dakota Board of Regents.

11 Section 3. In order to be eligible for a Dakota Corps scholarship a person shall:

12 (1) Have graduated from an accredited South Dakota high school;

13 (2) Apply for a Dakota Corps scholarship within one year of graduation from high school
14 or within one year of the person's release from active duty with an active component
15 of the armed forces if the release is within five years of the person's graduation from
16 high school;

17 (3) Have a composite score of 24 or greater on the test administered by American
18 College Testing Program and have graduated from high school with a grade point
19 average of 2.8 or greater on a 4.0 scale;

20 (4) Agree in writing to stay in South Dakota and work in an area of critical need for a
21 period of five years following graduation from an eligible institution; and

22 (5) Enroll in or be accepted for enrollment by an eligible institution for a course of study
23 leading to a baccalaureate or technical degree from an eligible institution.

24 Section 4. In order to maintain eligibility for a Dakota Corps scholarship a person shall:

- 1 (1) Maintain a 2.8 grade point average on a 4.0 scale and complete at least thirteen credit
2 hours of instruction per semester;
- 3 (2) Attend an eligible institution for eight consecutive spring and fall terms or until the
4 person has earned a baccalaureate or technical degree; and
- 5 (3) Completed fewer than one hundred twenty-eight credit hours of instruction.

6 Section 5. The secretary may award Dakota Corps scholarships only to the extent that funds
7 are available to provide scholarships. If the amount of money in the Dakota Corps scholarship
8 fund is insufficient to provide a Dakota Corps scholarship to all eligible applicants, the secretary
9 shall consider a person's grade point average, composite score on the test administered by the
10 American College Testing Program, and financial need to award a Dakota Corps scholarship.

11 Section 6. If a person has been awarded a Dakota Corps scholarship, the department shall
12 pay the person's tuition and fees not to exceed the Dakota Corps tuition award on behalf of the
13 person to the eligible institution at the time that tuition and fees are normally paid.

14 Section 7. A person who has received a Dakota Corps scholarship is not required to repay
15 any part of the scholarship if within six months of earning a baccalaureate or technical degree the
16 person is continuously employed in South Dakota for a period of sixty consecutive months in an
17 area of critical need.

18 Section 8. If a person who has received a Dakota Corps scholarship does not maintain
19 eligibility as specified in section 4 of this Act, the person shall reimburse the state the amount of
20 Dakota Corps scholarship paid on behalf of the person, excluding any tuition waivers,
21 scholarships, or other financial grants received pursuant to this Act, according to a repayment
22 schedule set by the department according to rules promulgated pursuant to chapter 1-26.

23 Section 9. If a person who has received a Dakota Corps scholarship does not meet the
24 requirement in section 8 of this Act, the person shall reimburse the state the amount of Dakota

1 Corps scholarship paid on behalf of the person, excluding any tuition waivers, scholarships, or
2 other financial grants received pursuant to this Act, to the department according to a repayment
3 schedule set by the department according to rules promulgated pursuant to chapter 1-26. The
4 amount of repayment shall be based on the ratio of sixty months minus the number of months a
5 person was continuously employed in an area of critical need to sixty months.

6 Section 10. If a person who has received a Dakota Corps scholarship is unable to maintain
7 eligibility or remain employed in an area of critical need for sixty consecutive months due to
8 factors outside the control of the person, the secretary may waive or delay the repayment
9 provisions of this Act.

10 Section 11. A person who has received a Dakota Corps scholarship shall annually report to
11 the department the person's academic and occupational status on forms prescribed by the
12 department.

13 Section 12. There is hereby created in the state treasury a separate fund known as the Dakota
14 Corps scholarship fund. Money from any source for the purpose of providing to scholarships
15 pursuant to this Act shall be deposited into the Dakota Corps scholarship fund. Any money
16 repaid pursuant to section 9 or 10 of this Act shall be deposited into the Dakota Corps
17 scholarship fund.

18 Section 13. There is hereby continuously appropriated to the department any money in the
19 Dakota Corps scholarship fund for the purpose of providing scholarships pursuant to this Act.

20 Section 14. The secretary shall approve vouchers and the state auditor shall draw warrants
21 to pay expenditures authorized by this Act.

22 Section 15. The department may promulgate rules, pursuant to chapter 1-26, to define
23 occupations and geographical areas as areas of critical need, determine the amount of the Dakota
24 Corps tuition award, establish procedures for the awarding and acceptance of Dakota Corps

1 scholarships, monitor the academic and occupational status of persons who have received a
2 Dakota Corps scholarship, establish financial need criteria, and establish repayment schedules.

3 Section 16. If any clause or other portion of this Act is held invalid, that decision does not
4 affect the validity of the remaining portions of this Act. It is hereby declared that all such
5 remaining portions of this Act are severable, and that the Legislature would have enacted the
6 remaining portions if the portions that may be held to be invalid had not been included in this
7 Act.

8 Section 17. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
10 force and effect from and after its passage and approval.