

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

695N0542

## SENATE BILL NO. 178

Introduced by: Senator Olson (Ed) and Representative Rave

1 FOR AN ACT ENTITLED, An Act to assign control of postsecondary technical education to  
2 the Board of Regents.

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

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

5 13-49-1. The Board of Regents shall control ~~of~~ the public postsecondary educational  
6 institutions of the state ~~offering college credit~~ which are sustained wholly or in part by the state  
7 ~~shall be vested in a board of nine members, designated as the Board of Regents. The Governor~~  
8 shall appoint a Board of Regents comprised of nine members ~~shall be appointed by the~~  
9 ~~Governor, by and~~ with the consent of the Senate.

10 Section 2. That § 13-1-12.1 be amended to read as follows:

11 13-1-12.1. The South Dakota Board of Education shall promulgate rules pursuant to chapter  
12 1-26 to establish standards for the classification and accreditation of schools within this state,  
13 to establish standards for preparation of certified personnel, to set forth procedures for  
14 determining the eligibility of school districts to receive state foundation aid ~~effective January~~  
15 ~~1, 1997~~, to adopt policies and rules necessary to establish standards and procedures for  
16 secondary vocation-technical education and to establish curriculum requirements for both a



1 basic high school program and for a recommended high school program for all public and  
2 nonpublic schools within the state. Both programs shall include a rigorous high school  
3 curriculum, and the recommended high school program shall be more academically challenging  
4 in the areas of mathematics and science than the basic high school program. Both programs shall  
5 enhance and may not diminish the academic preparation necessary for students to complete high  
6 school. The requirements of the basic program shall be aligned to the academic content  
7 standards developed pursuant to § 13-3-48 and shall, at a minimum, include the content  
8 standards tested pursuant to § 13-3-55.

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

10 13-3-1.4. Subject to policies established by the South Dakota Board of Education, the  
11 secretary of the Department of Education has general supervision over all accredited elementary  
12 and secondary schools ~~and postsecondary technical institutes~~ in the state, including ~~adult~~  
13 ~~education~~, kindergarten, preschool, and summer schools.

14 Section 4. That § 13-39-8 be amended to read as follows:

15 13-39-8. Notwithstanding § 13-15-2, the general control and supervision over secondary  
16 vocational education as provided in this chapter is the duty of the director of career and  
17 technical education under the direction of the secretary of education.

18 Section 5. That § 13-39-9 be amended to read as follows:

19 13-39-9. The director has general control and supervision over all vocational education in  
20 all public secondary schools, ~~public postsecondary institutions not under the control of the~~  
21 ~~Board of Regents~~ and all other vocational education functions assigned to him by the secretary  
22 of education.

23 Section 6. That § 13-39-12 be amended to read as follows:

24 13-39-12. The secretary of education may cooperate with federal agencies in the

1 administration of any acts of Congress relating to secondary vocational education.

2 Section 7. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 The Board of Regents may cooperate with federal agencies in the administration of any  
5 federal legislation relating to postsecondary vocational education.

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

7 13-39-13. The secretary of education may enter into contracts and agreements with any  
8 agency of the United States government or any agency of the state government or its political  
9 subdivisions for the purpose of secondary vocational education, receive grants of federal funds  
10 for secondary vocational education and expend those funds under rules adopted by the South  
11 Dakota Board of Education pursuant to chapter 1-26.

12 Section 9. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 The Board of Regents may enter into contracts and agreements with any agency of the  
15 United States government or any agency of the state government or its political subdivisions for  
16 the purpose of postsecondary vocational education and to expend those funds under rules  
17 promulgated by the Board of Regents pursuant to chapter 1-26.

18 Section 10. That § 13-39-17.1 be amended to read as follows:

19 13-39-17.1. The ~~division~~ Board of Regents may collect fees for credentialing postsecondary  
20 technical teachers. The ~~division~~ board shall credit all funds generated by these fees to a fund  
21 known as the postsecondary technical credentialing fund to be administered by the state  
22 treasurer. ~~A payment~~ The board may make payments from this fund ~~is by voucher only on~~  
23 vouchers submitted to the state treasurer ~~and is~~ limited to promulgation of rules, forms, and  
24 incidental administrative costs associated with the credentialing of postsecondary technical

1 teachers.

2 Section 11. That § 13-39-18 be amended to read as follows:

3 13-39-18. The ~~director~~ executive director of the Board of Regents shall submit all requests  
4 for new programs from the postsecondary technical institutes in the state to the ~~state board~~  
5 Board of Regents for action.

6 Section 12. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 Postsecondary technical institute advisory committees are hereby established. Each  
9 postsecondary technical institute under the control of the Board of Regents shall be represented  
10 by an advisory committee. The members of each postsecondary technical institute advisory  
11 committee shall be appointed by the Board of Regents. The membership of each postsecondary  
12 technical institute advisory committee shall include the director of the postsecondary technical  
13 institute, at least one representative from an LEA, representatives of local business and industry,  
14 and other members at the discretion of the board.

15 Each postsecondary technical institute advisory committee shall meet with the Board of  
16 Regents at least once each year. The advisory committees shall make recommendations to the  
17 board regarding program offerings at the postsecondary technical institutes and offer other  
18 suggestions to enhance the public postsecondary vocational education available in the state.

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

20 13-39-19. The secretary of education may distribute funds appropriated ~~to him~~ by the  
21 Legislature or granted by any federal agency to the state in accordance with chapter 4-8B, for  
22 vocational education in public secondary ~~and postsecondary technical institutes~~ schools in the  
23 state in accordance with a state plan or plans adopted by the South Dakota Board of Education.  
24 The executive director of the Board of Regents may distribute funds appropriated by the

1 Legislature or granted by any federal agency to the state in accordance with chapter 4-8B for  
2 vocational education in the postsecondary technical institutes. The aid disbursed to the different  
3 schools of the state and all expenses incurred in the administration of the provisions of any  
4 federal acts relating to vocational education shall be paid out of the funds ~~of the secretary~~  
5 appropriated for that purpose and from the federal funds allotted to the State of South Dakota  
6 for similar purposes. The state treasurer is the custodian of all money paid to the state from  
7 federal appropriations for the purpose of vocational education, and shall disburse the funds for  
8 secondary vocational education on warrants issued by the state auditor upon vouchers approved  
9 by the director of career and technical education and the funds for postsecondary vocational  
10 education on warrants issued by the state auditor upon vouchers approved by the executive  
11 director of the Board of Regents. The secretary of education shall authorize the director of career  
12 and technical education to submit vouchers to the state auditor for the amount payable as state  
13 and federal aid to each secondary school approved under the provisions of this chapter, and the  
14 Board of Regents shall authorize the executive director of the Board of Regents to submit  
15 vouchers to the state auditor for the amount payable as state and federal aid to each  
16 postsecondary technical institute approved under the provisions of this chapter. Upon receipt  
17 of the vouchers, the state auditor shall draw warrants on the state treasury in favor of the  
18 treasurer of the public secondary ~~and or~~ postsecondary technical institute for the sum approved  
19 by the secretary or the executive director.

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

21 13-39-21. The director of career and technical education shall prescribe a uniform system  
22 for gathering and reporting secondary vocational education data.

23 Section 15. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 The Board of Regents shall prescribe a uniform system for gathering and reporting  
2 postsecondary vocational education data.

3 Section 16. That § 13-39-26 be amended to read as follows:

4 13-39-26. The provisions of this chapter do not apply to private business schools or private  
5 vocational institutions except that the Board of Regents, secretary of education, and LEAs may  
6 enter into contracts with these schools and institutions to provide vocational education.

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

8 13-39-27. For the purposes of providing secondary vocational education, all LEAs of this  
9 state may establish, in cooperation with the division, a vocational department, classes or  
10 facilities for vocational education, as provided in this chapter, under terms and conditions  
11 agreed upon. Any LEA board may enter into any agreement to provide secondary vocational  
12 education. An agreement made pursuant to this section is not subject to the limitation of the  
13 tuition law. An LEA may expend its money for secondary vocational education.

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

15 13-39-28. Anyone who may profit from the vocational education course to which the person  
16 applies may be enrolled upon application and acceptance in accordance with the provisions of  
17 §§ 13-39-1.2 to 13-39-29, inclusive, and as prescribed by the South Dakota Board of Education  
18 or the Board of Regents.

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

20 13-39-29. The Board of Regents, through the executive director, or the secretary of  
21 education, through the director of career and technical education, may receive, acquire, have  
22 charge of, and operate all properties for the purposes authorized in this chapter. The Board of  
23 Regents or secretary may acquire by gift, subject to the provisions of § 5-24-12, or purchase real  
24 and personal property for the use of vocational education and may dispose of or transfer the

1 same whenever the purposes of this chapter are benefited. ~~The~~ Neither the Board of Regents nor  
2 the secretary may not purchase, lease, sell, encumber, or alienate any real property without the  
3 consent and prior approval of the Legislature.

4 Section 20. That § 13-39-37 be amended to read as follows:

5 13-39-37. ~~The South Dakota Board of Education~~ Board of Regents may adopt promulgate  
6 rules pursuant to chapter 1-26, to be administered by the executive director, governing the  
7 operation and maintenance of postsecondary technical institutes ~~which will afford the people~~  
8 ~~of the state, insofar as practicable, an equal opportunity to acquire a public technical education,~~  
9 and the South Dakota Board of Education may promulgate rules, pursuant to chapter 1-26, to  
10 be administered by the secretary through the director of career and technical education,  
11 governing the operation and maintenance of secondary vocational education programs. The rules  
12 shall afford the people of the state, as much as practicable, an equal opportunity to acquire a  
13 public technical education, and may provide for the following:

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

1 ~~budget to~~ Each budget submitted shall 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~~ board, and shall provide that failure to comply with the rules may  
5 result in 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 or the Board of Regents, by a written resolution, ~~declare~~  
9 ~~the LEA~~ be committed to begin construction if the budget ~~of the state board~~  
10 appropriated by the Legislature provides the matching funds;

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

12 (9) The duplication of programs.

13 Section 21. That § 13-39-37.1 be amended to read as follows:

14 13-39-37.1. ~~Notwithstanding the provisions of §§ 13-16-6, 13-16-7, and 13-19-7, school~~  
15 ~~districts~~ The Board of Regents may not construct student union buildings and recreational  
16 facilities for postsecondary technical institute students. This restriction includes the use of  
17 student fees to pay for student union buildings and recreational or multi-use facilities. The  
18 provisions of this section may not be construed as a restriction of construction or operation of  
19 regular cafeteria or multi-use facilities for students at postsecondary technical institutes.

20 Section 22. That § 13-24-9 be amended to read as follows:

21 13-24-9. Any school board shall have power to erect, purchase, lease, rent, sell, equip, and  
22 move schoolhouses, dormitories, dwellings for teachers' homes, and other structures, fences, or  
23 other enclosure as the board shall deem necessary subject to the limitations as provided by law;  
24 ~~provided, however, that no school board may erect or purchase dormitories for use by~~

1 ~~postsecondary or adult vocational education students attending postsecondary vocational~~  
2 ~~schools.~~

3 Section 23. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 The Board of Regents may not erect or purchase dormitories for use by postsecondary or  
6 adult vocational education students attending postsecondary technical institutes.

7 Section 24. That § 13-39-38 be amended to read as follows:

8 13-39-38. The secretary of education shall apportion and distribute funds made available for  
9 ~~postsecondary technical institutes~~ secondary vocational education through a formula approved  
10 by the South Dakota Board of Education ~~to the LEAs having jurisdiction over postsecondary~~  
11 ~~technical institutes to assist in maintaining and operating those schools.~~ The use of the funds are  
12 is subject to rules ~~adopted~~ promulgated by the ~~state board~~ South Dakota Board of Education  
13 pursuant to subdivision § 13-39-37(3) ~~and in accordance with the approved state plan for~~  
14 ~~vocational education.~~ The Board of Regents shall apportion and distribute funds made available  
15 for postsecondary technical institutes.

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

17 13-39-39. The ~~division~~ Board of Regents shall distribute funds to the postsecondary  
18 technical institutes under the provisions of § 13-39-38 from money appropriated to the ~~division~~  
19 board for that purpose, and from federal funds allotted to the State of South Dakota for that  
20 purpose.

21 Section 26. That § 13-39-39.1 be amended to read as follows:

22 13-39-39.1. ~~LEAs operating postsecondary technical institutes~~ The Board of Regents shall  
23 keep separate the accounting and funds for the operation of the postsecondary technical  
24 programs. The ~~LEA board~~ shall deposit receipts, student fees and income from state and federal

1 sources, as well as any other receipts incidental to the operation of the postsecondary technical  
2 institute, in the fund or funds created pursuant to this chapter.

3 Section 27. That § 13-39-34 be repealed.

4 ~~— 13-39-34. Any LEA proposing to operate a postsecondary technical institute or establish an  
5 existing postsecondary technical institute as a separate legal entity may petition the state board  
6 pursuant to §§ 13-39-35 to 13-39-36, inclusive. The state board may conduct hearings,  
7 investigate school records, and secure other data relating to the proposed postsecondary  
8 technical institute, its geographical location, the demography and economy of the area, and any  
9 other facts relating to the proposed postsecondary technical institute which the state board may  
10 consider appropriate.~~

11 Section 28. That § 13-39-35 be repealed.

12 ~~— 13-39-35. If the South Dakota Board of Education finds that the classification petitioned for  
13 would further the educational interests of the state, more nearly equalize the educational  
14 opportunities in certain phases of technical education to persons in this state who are of the age  
15 and maturity to pursue study in preparation for entering the labor market, be of potential benefit  
16 to persons in all communities of the state, and is otherwise in accordance with the plans of the  
17 state board, it may recommend the petition be approved by the Legislature.~~

18 Section 29. That § 13-39-35.1 be repealed.

19 ~~— 13-39-35.1. If the Legislature approves the petition by passing a joint resolution, an LEA  
20 may operate a postsecondary technical institute. If an LEA begins to operate a postsecondary  
21 technical institute without the approval required by this section, that school is ineligible for state  
22 vocational education money. Adult vocational education programs are exempt from the  
23 provisions of this section.~~

24 Section 30. That § 13-39-35.2 be repealed.

1 ~~13-39-35.2. The joint resolution passed pursuant to § 13-39-35.1 shall specify the duties and~~  
2 ~~powers of a postsecondary technical institute. The resolution may also specify the procedure for~~  
3 ~~selecting members of the governing board, which may include local elections for such members.~~  
4 ~~A school established pursuant to § 13-39-35.1 may be a distinct legal entity separate and apart~~  
5 ~~from the school district or districts which established it.~~

6 Section 31. That § 13-39-36 be repealed.

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

11 Section 32. That § 13-39-41 be amended to read as follows:

12 13-39-41. The school boards of two or more school districts may submit to the South Dakota  
13 Board of Education a proposed plan to establish a multidistrict center for secondary vocational  
14 education. The proposal shall be consistent with the state plan for vocational education and shall  
15 meet the rules ~~as adopted~~ promulgated by the state board pursuant to chapter 1-26.

16 Section 33. That § 13-39-42 be amended to read as follows:

17 13-39-42. When the state board receives a proposed plan to establish a multidistrict center  
18 for secondary vocational education, it shall examine the plan and may conduct hearings to  
19 receive evidence pertaining to the proposed multidistrict center. The state board may approve  
20 or disapprove the proposed plan.

21 Section 34. That § 13-39-64 be amended to read as follows:

22 13-39-64. The ~~board~~ Board of Education may adopt rules, pursuant to chapter 1-26,  
23 pertaining to the creation, dissolution, operation, control, supervision, and approval of  
24 multidistrict centers for secondary vocational education in South Dakota.

1 Section 35. That § 13-39-66 be amended to read as follows:

2 13-39-66. Any LEA may enter into lease-purchase agreements with the health and  
3 educational facilities authority, the Board of Regents or the secretary of education for capital  
4 improvements for the design, acquisition, construction, equipping, or improvement of facilities  
5 the LEA considers necessary or appropriate. In addition, the Board of Regents or the secretary  
6 may enter into any lease-purchase agreement of such facilities either with an LEA or the health  
7 and educational facilities authority.

8 Such lease-purchase agreements shall include such terms as the health and educational  
9 facilities authority considers necessary, including without limitation, terms of default, remedies,  
10 representations, and covenants of the lessee.

11 No such lease-purchase agreements are effective until approved by the Board of Regents or  
12 the secretary of education. The term lease-purchase agreements as used in this section includes  
13 any sublease.

14 Section 36. That § 13-39-67 be amended to read as follows:

15 13-39-67. A lease-purchase agreement authorized by § 13-39-66 may be for a term of no  
16 more than thirty years, shall be approved by the Board of Regents or the LEA board on behalf  
17 of the LEA, may provide for the simultaneous conveyance of existing facilities to be leased-back  
18 with the improvements and other property being financed, may provide for all right, title and  
19 interest of the authority to be conveyed to the LEA, Board of Regents, or the secretary of  
20 education upon payment or other discharge of the bonds issued therefor, and may contain such  
21 other provisions as the authority and the ~~state board~~ Board of Education or the Board of Regents  
22 determine necessary or appropriate to secure payment of amounts due under such agreements.

23 No other statute may limit or otherwise restrict the power and authority of an LEA, the Board  
24 of Regents, or the secretary to enter into such a lease-purchase agreement or govern the

1 procedure by which such agreement is authorized.

2 Section 37. That § 13-39-68 be amended to read as follows:

3 13-39-68. The Board of Regents or the secretary of education may contract with or enter into  
4 other agreements with the South Dakota Health and Educational Facilities Authority, one or  
5 more LEAs, the state treasurer or others in order to pledge or otherwise transfer all or any  
6 portion of tuition and other student fees subject to deposit in ~~the~~ a tuition subaccount in order  
7 to secure payments by any LEA or the board or the secretary under a lease-purchase agreement  
8 with the authority. Any such contract or other agreement may also provide for the release from  
9 such pledge and lien of such amounts as are deemed not to be necessary for payment of amounts  
10 currently due and owing under lease-purchase agreements. Any such pledge of such tuition and  
11 other student fees shall be valid and binding from the time when the pledge is made. The  
12 amount of tuition and other fees so pledged and thereafter received shall immediately be subject  
13 to the lien of such pledge without any physical delivery thereof or further act, and the lien of any  
14 such pledge shall be valid and binding as against the LEAs and any other persons having claims  
15 of any kind in tort, contract, or otherwise against the LEA, the board, the secretary, the authority,  
16 the state treasurer or any other person, irrespective of whether such persons have notice thereof.  
17 Neither the contract nor any other agreement or instrument by which a pledge is created need  
18 to be recorded.

19 Section 38. That § 13-39-69 be amended to read as follows:

20 13-39-69. There is created a separate trust fund on behalf of the Board of Regents and the  
21 secretary of education to be on deposit with the state treasurer, such fund to be designated the  
22 vocational education facilities fund. The fund established hereby shall consist of all  
23 appropriations by the ~~State~~ Legislature specifically designated for deposit therein and any other  
24 moneys designated for deposit therein, including any investment earnings thereon. The treasurer

1 may create subfunds or accounts within the trust fund created under this section as the treasurer  
2 considers necessary. Any earnings from the investment of such fund may be transferred annually  
3 by the state treasurer to the tuition subaccount established by § 13-39-70.

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

5 13-39-70. There is hereby created within the vocational education facilities fund a secondary  
6 tuition subaccount and a postsecondary tuition subaccount. The secretary may determine and  
7 require that all or any portion of the tuition and other student fees payable to an LEA shall be  
8 deposited in the secondary tuition subaccount. The Board of Regents may determine and require  
9 that all or any portion of the tuition and other student fees payable to the Board of Regents shall  
10 be deposited in the postsecondary tuition subaccount. No moneys may be disbursed from the  
11 tuition ~~subaccount~~ subaccounts for any purpose other than to pay lease rentals or other amounts  
12 due and owing in connection with:

- 13 (1) Any facility originally leased to the ~~board of regents~~ Board of Regents but now  
14 utilized for vocational education so long as such facility is on the campus of a  
15 postsecondary technical institute; and
- 16 (2) Any lease-purchase agreement authorized under §§ 13-39-66 and 13-39-67 unless  
17 and until the health and educational facilities authority files with the state treasurer  
18 a certification that it has on deposit or there has otherwise been appropriated  
19 sufficient moneys to pay all amounts due or to become due within the next three  
20 months on all such lease-purchase agreements.

21 No lease rentals on facilities described in subsection (1) shall be paid unless the secretary  
22 of education or the Board of Regents has approved the assumption of the former ~~board of~~  
23 ~~regents'~~ Board of Regents' lease obligations by the tuition subaccount. Thereafter, the state  
24 treasurer shall retain in the vocational education facilities fund for future repair and

1 improvement as authorized by the Legislature such amounts, not to exceed ten percent thereof,  
2 as the secretary or the board shall direct.

3 Section 40. That § 13-39-71 be amended to read as follows:

4 13-39-71. All or any portion of the lease-purchase obligations under or in connection with  
5 any lease-purchase agreement authorized under §§ 13-39-66 and 13-39-67 may be paid or  
6 discharged out of moneys available from the investment earnings on the vocational education  
7 trust fund or from any amounts on deposit in ~~the~~ a tuition subaccount of such fund upon the  
8 determination by the Board of Regents or the secretary of education to pledge or otherwise  
9 transfer such amounts to the health and educational facilities authority.

10 Section 41. That § 13-39-72 be amended to read as follows:

11 13-39-72. ~~An LEA operating an~~ An approved postsecondary vocational school under the  
12 control of the Board of Regents may award an associate in applied sciences degree. The ~~state~~  
13 board may promulgate rules pursuant to chapter 1-26 providing for approval of programs in  
14 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 42. That § 13-53-43 be amended to read as follows:

19 13-53-43. All general education course credit hours fulfilling graduation requirements in  
20 institutions accredited by the North Central Association of Colleges and Secondary Schools  
21 accrediting agency shall be transferable between the universities under the control of the South  
22 Dakota Board of Regents and the postsecondary technical institutes governed by the South  
23 Dakota Board of ~~Education~~ Regents. General education course credit hours are transferable  
24 between the technical institutes and universities only for credit for general education courses.

1 ~~"General education" is~~ For purposes of this section, general education courses are defined as  
2 those courses which are not directly related to the student's formal technical, vocational, or  
3 professional preparation~~;~~, but are part of every student's course of study regardless of area of  
4 emphasis; and intended to impart common knowledge, intellectual concepts, and attitudes that  
5 every educated person should possess.

6 Section 43. That § 13-53-44 be amended to read as follows:

7 13-53-44. Commencing July 1, 1999, technical institutes governed by the Board of  
8 ~~Education~~ Regents and accredited by the North Central Association of Colleges and Secondary  
9 Schools and universities governed by the Board of Regents and accredited by the North Central  
10 Association of Colleges and Secondary Schools shall have articulation agreements in place to  
11 transfer sixty-four credit hours in the General Studies Baccalaureate Degree program and up to  
12 sixty-four credit hours in compatible programs offered by the respective institutions ~~under the~~  
13 ~~control of the Board of Regents. By December 1, 1998, the Board of Education and the Board~~  
14 ~~of Regents shall report to the Executive Board of the Legislative Research Council on the~~  
15 ~~progress of articulation agreements and the implementation of §§ 13-53-43 and 13-53-44. The~~  
16 ~~Board of Regents and the Board of Education shall, by agreement, set the criteria and~~  
17 ~~requirements for the transfer of any credits.~~

18 Section 44. That § 1-14-14.3 be amended to read as follows:

19 1-14-14.3. Any state agency, department, board, or commission, ~~or school district operating~~  
20 ~~a postsecondary vocational-technical school as authorized by chapter 13-39,~~ that determines that  
21 an authorized amount of contributions, interest, or penalty is uncollectible may refer the  
22 collection process to a vendor approved by the Bureau of Administration. Reasonable fees for  
23 collection, as determined by the commissioner of the Bureau of Administration, shall be added  
24 to the amount of the debt and the debtor is liable for repayment of the total amount due

1 including the collection fee.

2 Section 45. That § 33-6-6 be amended to read as follows:

3 33-6-6. Any member of the National Guard of the State of South Dakota, who is a resident  
4 of the State of South Dakota and who possesses the entrance requirements for admission to any  
5 postsecondary vocational program, is entitled to complete one program of study approved by  
6 the ~~State Board of Education~~ Board of Regents in any state postsecondary vocational education  
7 institution upon payment of fifty percent of the tuition charges. The remaining tuition shall be  
8 paid by the Department of Military and Veterans Affairs out of funds appropriated for the  
9 purpose of paying fifty percent of the tuition.