AN ACT

ENTITLED, An Act to revise certain provisions regarding the South Dakota Board of Technical Education.

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

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

1-16A-95. The issuance of any additional bonds, notes, or other obligations of the authority that 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 Technical Education under the authority of chapter 13-39A shall be approved by the Legislature before issuance. The board shall approve the issuance of additional bonds, notes, or other obligations prior to issuance. The Legislature in accordance with §§ 1-16A-93 and 1-16A-94 and applicable administrative rules shall consider the board's analysis prior to authorizing any additional bonds, notes, or other obligations. The requirement, however, for approval by the Legislature before issuance does not apply to the issuance of bonds for the purposes of refinancing or refunding existing bonds, notes, or other obligations.

Section 2. That § 13-1-62 be amended to read:

13-1-62. The Board of Regents and the South Dakota Board of Technical Education shall each compile the information received pursuant to §§ 13-1-60 and 13-1-61 and provide the information to the Executive Board of the Legislative Research Council no later than November fifteenth of each year.

Section 3. That § 13-55-9.4 be amended to read:

13-55-9.4. Any person applying for the benefits provided by § 13-55-9.2 shall submit an application to the Board of Regents or the South Dakota Board of Technical Education. The

respective board receiving the application shall determine whether the person applying is entitled to the benefits provided by § 13-55-9.2 at an institution under the board's respective jurisdiction or control. Each board may promulgate rules, pursuant to chapter 1-26, to establish the application process and the process to determine an applicant's eligibility for the benefits.

Section 4. That § 13-48-40 be amended to read:

13-48-40. The Office of Attorney General, Division of Consumer Protection, shall review and act on any complaint, as the term is defined by § 13-48-34, concerning postsecondary institutions providing educational programs at physical locations in the state, including, as necessary, requiring a postsecondary institution to cease its operations in the state. If a complaint relates to a postsecondary institution controlled by the Board of Regents, the attorney general shall refer the matter to the Board of Regents. If a complaint relates to a postsecondary institution with oversight by the South Dakota Board of Technical Education, the attorney general shall refer the matter to the South Dakota Board of Technical Education. In all other cases, the attorney general shall refer the complaint to the institution and provide the institution with no less than thirty days to respond to the matters set forth in the complaint, including an opportunity to demonstrate any actions the institution has taken or plans to take in response to the complaint, and to consider whether the complainant has exhausted all available administrative remedies within the institutions's policies and procedures. In administering the requirements of this section, the attorney general may refer a complaint to an institution's accrediting agency for review and investigation, with the accrediting agency providing a report of the agency's investigation to the attorney general for further disposition. In enforcing this chapter, the attorney general has all the enforcement powers, authorities, and remedies provided by chapter 37-24.

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I certify that the attached Act originated in the

SENATE as Bill No. 18

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 18
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