

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

655Q0704

SENATE BILL NO. 165

Introduced by: Senators Adelstein, Gray, and Knudson and Representatives Feinstein,
Jensen, and Kirkeby

1 FOR AN ACT ENTITLED, An Act to provide for the authorization of certain private, nonprofit
2 benevolent organizations to assist in funding certain school curricula, activities, and
3 programs.

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

5 Section 1. The governing board of any school district organized pursuant to chapter 13-5
6 may authorize one or more private, nonprofit benevolent organizations to, independently of the
7 control of the school district, accept and solicit donations, gifts, grants, or other private financial
8 resources for the ultimate benefit of the educational or interscholastic activities of the school
9 district. Funds collected pursuant to this Act shall be offered, at an appropriate time, to the
10 governing board of the school. If accepted, such funds shall be used for the expansion and
11 enhancement of academic curricula, for the support of interscholastic activities, for the initiation
12 or support of musical, forensic, civic, technologic, or similar extracurricular instruction or
13 programs, for special trips or activities supporting core school activities, or other programs or
14 activities of substantial benefit to the educational environment of the school district. None of
15 the funds may be used for capital acquisition, debt retirement, or ordinary expenditures or



1 expenses.

2 Section 2. The governing board of the school district may regulate the activities of any
3 private, nonprofit benevolent organization that it may authorize pursuant to section 1 of this Act.
4 If the organization engages in any activity detrimental to the honor, reputation, or best interests
5 of the school district, the governing board of the school district may withdraw its authorization.

6 Section 3. Any private, nonprofit benevolent organization authorized pursuant to section 1
7 of this Act may propose, advocate, or suggest to the governing board of the school district that
8 the funds proffered by the organization be utilized with regard to various curricula, activities,
9 or other programs. However, the governing board is not obligated to accept or expend any funds,
10 nor is the organization obligated to provide any funds, unless both are mutually agreed as to
11 terms and purposes.