

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0288

SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB24** - 1/22/98

Introduced by: The Committee on Education at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to change the name of the South Dakota School for the

2 Visually Handicapped to the South Dakota School for the Blind and the Visually Impaired.

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

4 Section 1. That § 13-61-1 be amended to read as follows:

5 13-61-1. The South Dakota School for the ~~Visually Handicapped~~ Blind and the Visually
6 Impaired located at Aberdeen, in Brown County, ~~formerly the state school for the blind located~~
7 ~~at Gary, in Deuel County,~~ shall be under the charge and control of the Board of Regents.

8 Section 2. That subdivision (70) of § 3-12-47 be amended to read as follows:

9 (70) "Teacher," any person who has a valid teacher's certificate issued by the State of
10 South Dakota, who is in the employ of a public school district, and shall also include
11 the certified teachers employed by the Human Services Center, South Dakota
12 Developmental Center -- Redfield, State Penitentiary, Division of Education Services
13 and Resources, State Training School, School for the Deaf, School for the ~~Visually~~
14 ~~Handicapped, Crippled Children's Hospital and School~~ Blind and the Visually
15 Impaired, Children's Care Hospital and School, public nonprofit special education

1 facilities, adjustment training centers certified by the Department of Human Services
2 and public financed multi-district education programs;

3 Section 3. That § 5-7-34 be amended to read as follows:

4 5-7-34. All money received from the leasing of all common school, indemnity, and
5 endowment lands for oil and gas and other mineral or geothermal resources leasing of said lands
6 shall be apportioned as follows:

7 Fifty percent shall be credited to the permanent school funds and fifty percent thereof into
8 the several interest and income funds in the following proportions, to wit:

9 Common school	82.02289745
10 South Dakota State University	4.66838105
11 University of South Dakota	2.51170245
12 Educational and charitable	.72960665
13 Training school	1.16718575
14 School for Deaf	1.16728565
15 School for Visually Handicapped <u>Blind and Visually Impaired</u>	.72952995
16 South Dakota Developmental Center--Redfield	1.16726135
17 School of Mines and Technology	1.16728735
18 Black Hills and Dakota State Colleges <u>Universities</u>	3.11243403
19 Northern State University	1.55642832

20

21 Section 4. That § 5-10-1.2 be amended to read as follows:

22 5-10-1.2. The commissioner of school and public lands shall deposit revenue collected for
23 state endowed institutions under the control of the Board of Regents pursuant to § 5-10-1 and
24 chapters 10-4 and 10-6 in the Board of Regents endowed institution interest and income fund,
25 created by § 5-10-1.1, and credit the appropriate institutional account within the fund. On a
26 periodic basis ~~he~~ the commissioner shall allocate the money to the appropriate institutions. The

total allocation for an institution for a fiscal year shall be the lesser of that institution's revenue for the fiscal year plus the beginning cash balance of the institution's account or:

\$ 236,041 for the University of South Dakota;

\$ 544,951 for South Dakota State University;

\$ 133,022 for South Dakota School of Mines and Technology;

\$ 183,393 for Northern State University;

\$ 173,360 for Dakota State University;

\$ 173,360 for Black Hills State University;

\$ 97,959 for the School for the Deaf;

\$ 94,712 for the School for the ~~Visually Handicapped~~ Blind and the Visually Impaired; and

\$ 77,745 for the agricultural experiment station.

Revenue in excess of the allocation shall be credited to the corresponding institutional account. If the cash balance of any institutional account exceeds fifty percent of the maximum allocation for that institution at the end of the fiscal year, the commissioner shall allocate the portion over fifty percent ~~shall be allocated by the commissioner~~ to the institution in the next fiscal year in addition to the normal allocation.

Section 5. That § 13-27-10 be amended to read as follows:

13-27-10. ~~It shall be the duty of the~~ The president of the school board to shall send to the superintendent of the ~~state~~ School for the Deaf the names of all deaf children of proper age residing in ~~his~~ the school district, and to send to the superintendent of the ~~state~~ School for the ~~Visually Handicapped~~ Blind and the Visually Impaired the names of all blind or visually impaired children of proper school age residing in ~~his~~ the school district, whenever the residence of such children in need within ~~their~~ the board's jurisdiction becomes known to ~~them; and the~~ the board. The superintendents of the respective schools ~~for the deaf and visually handicapped~~ shall take all necessary action to provide that such children in need shall be given the advantages of proper

education.

Section 6. That § 13-51A-1 be amended to read as follows:

13-51A-1. ~~In this chapter, unless the context otherwise requires~~ Terms used in this chapter
mean:

(1) "Acquire₁" includes to purchase, erect, build, construct, reconstruct, complete, repair, replace, alter, extend, better, equip, develop₂ and improve a project, including the acquisition and clearing of a site or sites therefor;₁

(2) "Board₁" ~~means~~ the Board of Regents or its successor;₁

(3) "Federal agency₁" ~~means~~ the United States of America, the President of the United States of America, the Department of Housing and Urban Development, or such other agency or agencies of the United States of America as may be designated or created to make loans or grants or both;₁

(4) "Institution₁" ~~means and~~ includes the following:

(a) Black Hills State University, located at Spearfish, South Dakota;

(b) Dakota State University, located at Madison, South Dakota;

(c) Northern State University, located at Aberdeen, South Dakota;

~~(d) University of South Dakota at Springfield, located at Springfield, South Dakota;~~

~~(e) South Dakota State University, located at Brookings, South Dakota;~~

~~(f)~~(e) University of South Dakota, located at Vermillion, South Dakota;

~~(g)~~(f) South Dakota School of Mines and Technology, located at Rapid City, South Dakota;

~~(h)~~(g) School for the Visually Handicapped Blind and the Visually Impaired, located at Aberdeen, South Dakota;

~~(i)~~(h) School for the Deaf, located at Sioux Falls, South Dakota;

and their branches;

(5) "Project," ~~means and~~ includes revenue producing buildings, structures, and facilities which, as determined by the board, are required by, or necessary for the use or benefit of, each such institution, including, without limiting the generality of the foregoing, the following: student residence halls; apartments; staff housing facilities; dormitories; health, hospital, or medical facilities; dining halls; student union buildings; field houses; stadiums; physical education installations and facilities; auditoriums; facilities for student or staff services; any facility or building leased to the United States of America; off-street parking facilities; whether heretofore acquired and now or hereafter used for any or all of the purposes aforesaid, as described in or as may be hereafter acquired under this chapter, with all equipment and appurtenant facilities; or any one, or more than one, or all, of the foregoing, or any combination thereof, for each such institution.

Section 7. That § 13-61-2 be amended to read as follows:

13-61-2. The State Board of Regents is hereby empowered to may erect, furnish, and equip the necessary building, or buildings for the South Dakota School for the ~~Visually Handicapped Blind and the Visually Impaired~~ upon the tract of land acquired for such purposes.

Section 8. That § 13-61-2.1 be amended to read as follows:

13-61-2.1. The State Board of Regents is authorized to may accept and expend in addition to the amount appropriated from the state treasury therefor, any funds which it may obtain from gifts, contributions, or any other source for the purpose of land acquisition as defined by § 5-14-1 for the South Dakota School for the ~~Visually Handicapped Blind and the Visually Impaired~~, to expand the existing campus.

Section 9. That § 13-61-3 be amended to read as follows:

13-61-3. ~~It shall be the duty of the~~ The Board of Regents ~~to~~ shall make rules for the

government of the South Dakota School for the ~~Visually Handicapped, not inconsistent~~ Blind and the Visually Impaired, consistent with the laws of this state, and in compliance with chapter 1-26, and to employ a superintendent and such instructors and staff as may be necessary.

Section 10. That § 13-61-4 be amended to read as follows:

13-61-4. ~~All residents~~ Any resident of this state, under twenty-one years of age, who by reason of blindness or deaf-blindness, either partial or total, ~~have~~ has not received and ~~are~~ is unable to receive the full benefits of the public schools, and who ~~are~~ is capable of receiving instruction, and who ~~are~~ is free from contagious diseases and physically fit to attend such school ~~are~~ is eligible for programs provided by the South Dakota School for the ~~Visually Handicapped~~ Blind and the Visually Impaired and, if necessary, shall be received and taught, free of charge, at such school and ~~are~~ is entitled to receive an education in such institution until completion of the secondary level program or attainment of the age of twenty-one years, whichever comes first, at the expense of the state. Any person who is not a resident of the state, but meets all of the other qualifications included in this section, may be admitted to the school ~~provided if~~ provided if the Board of Regents determines that the admittance does not exclude eligible residents of the state and upon payment of board, tuition, and care charges established by the Board of Regents.

Section 11. That § 13-61-5 be amended to read as follows:

13-61-5. ~~Pupils~~ Any pupil over the age of twenty-one years may, ~~when~~ if circumstances warrant or require it, with the approval of a majority of the Board of Regents, be received and taught therein as provided in § 13-61-4. Like pupils may be received from without the state upon payment to the superintendent of the South Dakota School for the ~~Visually Handicapped~~ Blind and the Visually Impaired, for the use and benefit of such school, of such charges for board, tuition, and care, as shall be fixed by such board; ~~but, However,~~ no pupil from without the state ~~shall~~ may be received to the exclusion of any resident of this state.

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Education. S.J. 24

3 1/17/98 Scheduled for Committee hearing on this date.

4 1/21/98 Scheduled for Committee hearing on this date.

5 1/21/98 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 132

6 1/21/98 Education Place on Consent Calendar.

7 1/1/00 Education Do Pass Amended, Passed, AYES 7, NAYS 0.

8 1/1/00 Education Place on Consent Calendar.