

**SOUTH DAKOTA BOARD OF REGENTS  
PLANNING SESSION  
AUGUST 12-13, 2015**

**SUBJECT: Discussion of House Joint Resolution 1003**

During the 2015 session the Legislature approved House Joint Resolution 1003 (see Attachment I), which seeks to establish the constitutional distinction between the oversight provided by the Board of Regents and the Technical Institutes in the state. Representative Mickelson served as prime sponsor on the joint resolution and sought input from Dr. Jack Warner, the Governor’s office, and Technical Institute leadership in crafting the legislation. Following a number of iterations, the resolution was first introduced in House State Affairs on February 11, 2015, receiving a unanimous vote following proponent testimony (see Attachment II). On the House floor the legislation received unanimous support by the members and on February 25, 2015 the resolution received similar reception following proponent testimony in Senate State Affairs (see Attachment III).

In working with the sponsors of the Joint Resolution, the Board of Regents sought to adopt language that is intended to permanently and unambiguously distinguish between career and technical education provided by the technical institutes and the academic and professional education provided by the state’s university system. The key to making this distinction lies in the language that separates the kind of programming that leads to an associate of applied sciences from the kinds of programming that lead to associates of arts or sciences or higher academic or professional degrees. The Board Leadership’s willingness to accommodate this Joint Resolution rests on the assurances that it received that the proposed amendment will permanently separate the degrees and programming offered by technical institutes from those offered by state universities. Since this is the avowed purpose of the amendment, the Board believes that that purpose should be clearly and unambiguously communicated to the voters and memorialized for consideration by future legislators and judges.

However, two related changes to the provision have implications for the scope of the Board’s control. The first involves the alteration of language that required Board governance of any educational institution funded in whole or in part by the state. The single factor trigger has been replaced by a dual factor. Now the question of governance hinges upon (1) state funding plus (2) degree-granting authority. The second of the changes involves the scope of degree-granting authority. The phrase “and that offer academic or professional degrees of associate of arts, associate of sciences, baccalaureate or greater.” captures the range of degrees that system universities currently grant. Among the cases interpreting the current version of the Constitution is *State ex rel. Prchal v. Dailey*, 57 SD 554, 234 NW 45 (1931), which held that the Board’s power to prescribe curricula did not extend to assigning curricula to normal schools – then Black Hills, Southern, Eastern and Northern Normal and Industrial – that led to the grant of baccalaureate degrees. The Supreme Court looked to the practice at the time of statehood to

determine the scope of the Board's authority to grant degrees other than those proper to elementary education at normal schools, and it declined to hold that the Board's constitutional grant of control empowered it to expand normal school degree programs. Instead, it held that to construe the grant of control so broadly "would be to remove all restrictions upon the activities of these normal schools and make of them colleges not only for the training of teachers but for the instruction of all pupils who desire a college education." *Prchal*, 234 N.W., at 49-50. *Prchal* taught, in essence, that only the Legislature had the power to create institutions of higher education and to define their purposes and that the power of the governing board was limited to establishing curricula and degree programs that accomplished those purposes. *Id.*; [\*State ex rel. Bryant v. Dolan\*, 61 S.D. 530, 249 N.W. 923, 924 \(1933\)](#)<sup>1</sup>

The assumption of the HJR 1003 is that future courts will construe the new language relating to academic and professional degrees at the associate of arts or sciences and above in the manner employed in *Prchal*. Just as the justices in *Prchal*, in 1931, looked to past practice to understand what the framers meant by "normal schools" and "common schools" in 1889, so too it may be expected that future justices will look to current practices to determine the meaning of HJR 1003. If this is done, any future legislation or TI Board action that purports to authorize a TI to offer a degree that functions in the same way that an associate of arts or science degree functions in 2016 will be held to trigger the constitutional requirement that the degree-granting institution be governed by the Board of Regents. In the past the Board had considered the option for challenging separate governance structures, and at the time the most relevant issue centered around the distribution of state funds to the TI's as it provided postsecondary opportunities for students. In 2037, the controlling issue may be whether the TI degree is equivalent to an associate of sciences degree in nursing (or whatever) in 2016. For instance, initial proponent testimony by the prime sponsor denotes that "certificate" programs are within the purview of the Technical Institutes as a feature of "their successor equivalent" despite the fact that the Regental institutions currently offer a wide range of "certificates" in conjunction with their existing associate, baccalaureate, and graduate degree programs.

To that end, the Board will be presented with two options when the proposed amendment is presented to the citizen for a vote: 1) place its formal support behind the amendment and encourage citizens of the state to vote affirmatively for the constitutional restructuring; or 2) remain silent. Either approach warrants that proponents provide confirmation that this amendment has as its sole purpose to protect technical institute career and technical associate of applied sciences programs from encroachment by state universities and, with equal force and effect, to protect state university academic and professional associate or higher level degree programs from encroachment by technical institutes.

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<sup>1</sup> "As to each educational institution under the control of the regents, it must be held that the general scope of the powers of the board as to courses of study and the kind, type, or nature of the school that shall, in fact, be maintained, are limited by the foundation purpose of the school as prescribed by the Legislature." (quoting *Prchal*, 234 N.W., at 52 (Brown, J., concurring)).

**House Joint Resolution 1003 – Enacted**

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

Section 1. That at the next general election held in the state, the following amendment to Article XIV, section 3 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article XIV, section 3 of the Constitution of the State of South Dakota, be amended to read as follows:

§ 3. The state university, the agriculture college, the school of mines and technology, the normal schools, a school for the deaf, a school for the blind, and all other educational institutions that may be sustained either wholly or in part by the state and that offer academic or professional degrees of associate of arts, associate of sciences, baccalaureate or greater, shall be under the control of a board of five members appointed by the Governor and confirmed by the senate under such rules and restrictions as the Legislature shall provide. The Legislature may increase the number of members to nine. Postsecondary technical education institutes that offer career and technical associate of applied science degrees and certificates or their successor equivalents and that are funded wholly or in part by the state shall be separately governed as determined by the Legislature.

**Transcript from House State Affairs Committee  
House Joint Resolution 1003**

HJR 1003: Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents.

**House State Affairs Committee, Feb. 11, 2015**

Presented by: Representative G. Mark Mickelson  
Proponents: Greg VonWald, Mitchell Technical Institute  
Dick Tieszen, Associated School Boards of South Dakota  
Ms. Lesli Jutting, telephone  
Deb Fischer-Clemens, Avera Health  
Kevin Kouba, Otter Tail Power Company  
David Owen, South Dakota Chamber Of Commerce & Industry  
Jack Warner, South Dakota Board of Regents  
Tony Venhuizen, Office of Governor  
Greg Dean, South Dakota Telecommunications Association  
Brenda Forman, South Dakota Association of Cooperatives

MOTION: DO PASS HJR 1003

Moved by: Solum  
Second by: Wink  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bartling, Bolin, Haggar (Don), Hawley, Langer, Mickelson, Munsterman, Solum, Stevens, Wink, Westra, Gosch

Excused: Verchio

Summary of Committee Testimony – Proponents:

**Rep. Mickelson:** South Dakota isn't any different being subject to turf battles. Some of you remember when it was South Dakota State College and South Dakota U. There was a big controversy when we changed it to South Dakota State University, and we had University of South Dakota. Then 25-30 years later, we took the other 4 universities and called them universities instead of colleges. We've reached a pretty unique point in our life where Watertown and Mitchell win national awards for being the best two-year colleges in the country. Well, what are they? They are postsecondary technical institutes but they are also two-year colleges. And, those of you who serve on Appropriations Committee can attest to the difficulty that our four postsecondary technical institutes encounter in coordinating their statewide or a common state presentation of need. They are very appreciated in the communities they serve but they do suffer from a disadvantage, and so there's been some discussion that maybe a state Board of Technical Ed would provide them that conduit. They currently fall under the state Board of Ed today and I would submit to you that the Board of Ed and the Department of Ed spend most their time, almost all of their time, on K-12. There are 133,000 K-12 kids, 10,000 teachers, and really

postsecondary tech ed is a bit of an afterthought in that department. It is not a criticism, it is just the way we'd run the department if it was ours also; their ballgame is K-12. That's where they should be spending their time.

The founders of our great state wrote a Constitution and in that Constitution, and I'm just going to summarize, they said all postsecondary education funded, either wholly or in part, by the state of South Dakota shall be under the jurisdiction of the South Dakota Board of Regents. So, since the 1960s when the postsecondary technical institutes were founded, guess what we've been having? A little bit of a turf battle. Because, are the tech schools supposed to be under the Board of Regents? But yet they are in their local school districts. So, what's the Constitution say?

There have been points in time in the past where there have been fights and threats. So I guess some of us thought, and I've been working closely with Tony and the Governor's Office on this, I decided to poll a couple friends from the Board of Regents and talk to them, and say, "Listen, would you ever be open to establishing constitutional independence for the postsecondary tech schools, so they would no longer have that threat hanging over them?" And they said, "You know, we might be, but we'd want something in exchange."

So what they want in exchange is to clarify the current business practice, current state law, and frankly, my reading of the current Constitutional language stays intact. And what that says is, and this is the language in the joint resolution, that associate of arts, associate of sciences, baccalaureate, and any greater degrees stay where they are today: they are under the Board of Regents. Associate of applied sciences, which are two-year degrees that are career and technical education in orientation, and certificates will be by the postsecondary technical institutes and those technical institutes shall be separately governed as determined by the Legislature.

That's what this amendment does. Now, is this the best amendment for Sioux Falls, or for the technical institutes? It may not be. Some folks, including some folks who advocate for the Sioux Falls Chamber, think maybe Southeast Tech should become a community college. They may be right. I don't know; it's not in the cards, it's not what the Constitution says today. The Constitution says all postsecondary education funded in whole or in part by the state will be under the jurisdiction of the Board of Regents. So guess what freezes progress? Uncertainty and turf wars. This amendment is intended to address uncertainty and allow progress. I would urge your support of this.

**Greg VonWald:** I urge your passage of HJR1003. It will for the first time recognize South Dakota technical institutes as a unique entity within the state of South Dakota, distinct from the Board of Regents. If you take a look back in history why we ended up like we ended up, technical education has changed enormously in the last 4 years. It started out as vocational education; in fact it was in our name. It was an extension of high school and that's why we ended up under K-12. That worked for us. We have done very well, not just the two that were nominated for Aspen awards, but for all four of us. We are #2 in the nation when it comes to graduation rate and for retention rate. We have nothing to be ashamed of, it is working for us.

But we have this consistent fight that goes on about turf, just as Rep. Mickelson said. So what this bill will do for us, I believe, is recognize South Dakota institutes and establishes our mission is distinct from that of the Board of Regents. Our mission is simple: it is workforce development and technical education. It does not confer the same degrees as are conferred by the Board of

Regents. It provides a clear demarcation between us and the Board of Regents. Techs are accredited by the same entity as the university system is, so we have the same standards out there that we have to meet. The difference is that we have a different degree that we award. It's an Associate of Applied Science degree; it is a technical type of degree and is different from that awarded by the Board of Regents.

Just as importantly, it removes this persistent question that keeps coming up of state oversight by the Board of Regents of the technical institutes. It allows the technical institutes and the Legislature to focus on really the important things and that is the funding of the technical institutes and the programming that takes place for us to fill workforce needs. And it gets out of the way all of this static in the background that has been happening for years. I have been president of Mitchell Technical Institute for 7 years; four of those 7 years we've had some sort of governance bill come up in front of the legislature and, to be quite frank with you, it just wastes everyone's time. I would urge your support of this bill. (He then read into the record a letter of support from his Mitchell School District superintendent, Joseph Graves.)

**Lesli Jutting:** We are proponents of this amendment and are asking you to support this bill. This amendment is vital to South Dakota technical institutes. We believe it is important to separate the mission of the technical institutes from the Board of Regents' institutions. Our technical institutes have a different mission than the Board of Regents. While both are vital to South Dakota's higher educational system, we believe there is a difference between the two, particularly that the tech institutes focus on workforce development needs, immediate and futuristic, and the Board of Regents focus more on the academic and professional degrees.

We believe the debate over who controls the technical institutes needs to come to a conclusion. Our state Constitution currently does not recognize the technical institutes as their own educational entity. We do know when technical schools were first created they were created under the K-12 local school boards. The local control of governance has worked in our community and across this state for over 40 years, and it still continues to work for us locally. But the threat of lawsuits as to who controls the postsecondary institutions appears to be a yearly discussion item during legislative times. We firmly believe local control is a non-negotiable item by our local school board and community, and would like that threat to disappear permanently. Technical institutes are strongly supported by industry in our state and region as workforce development is their primary mission. We believe by codifying the technical institutes into our state Constitution and the granting of associate of applied arts degrees that threat of takeover by the Board of Regents disappears. We urge you to support this amendment as it moves forward.

**Deb Fischer-Clemens:** I'm employed by Avera, currently the largest private employer in South Dakota. We employ many people who have been trained and educated in the tech schools in South Dakota. I have served on several advisory councils with the tech schools, because of our need for very competent workforce folks. You heard the term today: associate of applied sciences. It applies to education entities that would be provided for people that we need to employ.

Avera has facilities in small and large communities across the state. We're not just hospitals and long-term care facilities. We're clinics; we provide durable medical equipment; we are in all

entities of provisions of health care to meet the needs of your constituents and the consumers of health care in South Dakota. By serving on several of these task forces, currently the Skilled Workforce Advisory Council for the tech schools, many business leaders serve on that task force for the very reason that I do, and that is to assure we have a very skilled workforce available to us in South Dakota.

HJR 1003 resolves an issue that has been raised and has been looming for some years regarding the need for a separate oversight entity for the tech institutes. It has been an extended issue of concern on the task forces I have served on, and I would ask for your support today.

**Kevin Kouba:** Otter Tail Power has approximately 100 employees who work in South Dakota and a good number of those are the products of our fine technical institutes. We would certainly urge your support of HJR1003.

**David Owen:** Two points. The business community used to have these easy-to-understand divisions. You had manual labor; you had middle management; you had executives. Different education requirements, so separations, things were easier to understand. Business moves at a quick pace. That doesn't describe the business community, even in the smallest business. So what used to be manual labor becomes careers that need more technical education, more refinement.

The technical schools, and my second point, have done an excellent job of staying close to the changes in the business community, while being stuck in their old governing structure. They are important. You need to define how they will be governed and we've had this debate through time. This is the next step to define that governance, to understand and fully embrace their role. We support the bill.

**Jack Warner:** First I want to thank the sponsor, Rep. Mickelson, for the opportunity for the Board of Regents to weigh in and to work with us on the specific wording of the bill. With regard to that wording, we are fully supportive of the wording of this amendment. The primary reason for that is that it is very clear about the mission distinctiveness of our universities, our state-supported universities, and our career and technical institutes.

And it's clear particularly in regard to the academic and professional degrees offered by the universities, beginning with the A.A. and A.S. degrees, bachelor's degrees, and graduate degrees and the very specific associate of applied science degrees offered consistent with the mission distinctiveness of the technical institutes. This will avoid unnecessary duplication of effort between those two important sectors. Each of us has a great deal to contribute to the workforce development and the economic development prospects of this state and we think that this wording supports that on into the future, and we would urge you to pass House Joint Resolution 1003.

**Tony Venhuizen:** I won't repeat the testimony that has already been offered; I know we are running out of time. I would just like to commend the technical institutes and the Board of Regents for their work on coming together on this amendment. And just to say that, if you consider the many, many disagreements between the regents and the technical institutes, some

public, many private over the years, it's nothing short of remarkable that they've come together to support something like this. So I would urge you to seize the opportunity while it is before you.

**Greg Dean:** One point I want to make: I've been around this body long enough to know and have seen these turf battles that have been alluded to in previous testimony bubble up in front of this legislature. Some of you may have actually lived through some of those turf battles. They are not fun to watch. They are not fun to be a part of. This proposed constitutional amendment clarifies and puts forward that the Legislature makes the final say; it is a good measure. It needs to be approved by the people of South Dakota. We urge your support.

**Brenda Forman:** The turf battles have been here for as long as I've been around and probably a little longer. We appreciate Rep. Mickelson bringing this forward, the Board of Regents' support, the technical institutes' ability to finally define their purpose and where their turf is, and who can control. So with that, we would encourage your support of House Joint Resolution 1003.

Summary of Committee Testimony – Opponents:

There was no opponent testimony offered.

Questions from the Committee:

**Rep. Hawley:** I do like the way it is written, and I do like the delineation of who is responsible for what. My question is right now they've worked out with math and English that are transferable credits to the Board of Regents. The accreditation of that; how does that process happen under this now? Is there any change at all on the accreditation of math and English classes and acceptance at the Board of Regents? Who is responsible?

**Rep. Mickelson:** No, this does not affect that. My understanding is they are done pursuant to articulation agreements. Each tech school has to negotiate with each department at each university, so there are thousands of articulation agreements. It's a mess. That's a separate mess. But this doesn't get at that, OK? This is not about the transferability of tech school credits to a college career. This is about what's the mission of the tech institutes and who's got authority over what degrees.

No other questions from the committee.

**Rep. Solum:** Mr. Chair, I am honored to offer a 'do pass' motion on HJR 1003. (Rep. Wink seconded the motion.) Very briefly, we've heard enough. All I can say is we're going to throw off the anchor, so sit down, fasten your seatbelts, and watch us go.

**Rep. Mickelson:** I would just like to thank Jack Warner for being available to, he and I personally, to kind of fine tune the language. And then Greg VonWald and an army, or a legion, on behalf of the tech schools, that were responding via email as we worked out the details of the

language. And then Tony Venhuizen was deeply involved in this, so I appreciate everyone kind of working and getting their responses in in a timely manner. Thank you.

**Rep. Gosch:** Yeah, this has been an ongoing battle over the years since I got into the legislature 8 years ago. It looks like most, if not all, parties are finally on board, so with that, I'd also encourage support of the 'do pass' motion.

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**Transcript from Senate State Affairs Committee  
House Joint Resolution 1003**

HJR 1003: Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents.

**Senate State Affairs Committee, Feb. 25, 2015**

Presented by: Representative G. Mark Mickelson

Proponents: Lesli Jutting, Superintendent, Watertown School District, by phone

Jack Warner, South Dakota Board of Regents

Patrick Weber, Governor's Office

David Owen, South Dakota Chamber Of Commerce & Industry

Deb Mortenson, Associated General Contractors of SD

Matthew McCaulley, Valley Queen Cheese Factory, Inc.

Other Proponents for the record noted by Senator Tim Rave:

Mike Cartney, President, Lake Area Technical Institute

Mark Wilson, President, Western Dakota Tech

Senator Tim Rave

Opponents: None

MOTION: DO PASS HJR 1003

Moved by: Brown

Second by: Holien

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Holien, Hunhoff (Bernie), Lederman, Otten (Ernie), Soholt, Solano, Sutton, Brown, Rave

Summary of Committee Testimony – Proponents:

**Rep. Mickelson:** HJR1003 is a proposed amendment to the South Dakota state Constitution, and it involves the Board of Regents and their degree-granting authority and postsecondary technical institutes. The postsecondary technical institutes were created in the '60s in four communities; I think you are all probably familiar with where they are located. They evolved from vocational outreach from their high schools into kind of separate, independent, really almost postsecondary after high school. You go and you get one year, two years, and you get a degree, get a certificate. As they have evolved and the mission between them and the university system has become more fuzzy, there has been, I'll just say, "turf wars" in certain areas: nursing program in Watertown and those kinds of things. You know I have been a proponent of trying to shine a light on the tech schools in the state. They are very unique; they do receive about \$25 million of state money. They're managed, first and foremost, by each one of their individual K-12 districts. And in an

exchange for that responsibility, those K-12 districts... there is no local dollars in the technical institute. So their first line of management or control is the K-12 district, and then they come to the state Board of Ed.

I have thought that perhaps the tech schools would present better in Pierre if they had kind of a common mission, if they had someone presenting themselves as one system, instead of four, separate disparate systems out of their K-12 district. The tech schools have always been afraid to do that, since I've been around. The reason is because of the Constitution. What the Constitution says now is, if you receive any state money, if you are supported in whole or in part by the state and are a postsecondary education institution, the Board of Regents is in charge of you. They thought that if they tried to put a state board together, maybe the Board of Regents would say, "Hey, we're going to go ahead and exercise what is arguably their constitutional prerogative."

So Dr. Warner and I had a conversation. We said, "Hey, would you ever be willing to make it clear in the Constitution that the tech schools aren't within the mission of the Board of Regents?" And he said, "Yeah, I would." Welding, and manufacturing, and many of those kinds of workforce needs: HVAC, plumbing, electricians, construction, are not really the college mission.

So, what we have in this constitutional amendment says postsecondary technical institutes will be separately managed as determined by the Legislature. So if this passes the Senate this year, it will be on the ballot in the fall of '16. At that point in time, we can consider a state board for their management, if we want to. They are currently overseen by the Board of Ed, which is dominated by what? K-12. It's a K-12 board. So they could have their own separate tech school board.

But Dr. Warner said, "Mark, I would like something in return." And I said that would only be fair. There are college degrees called associate degrees: associate of arts and associate of science degrees. I would think, and you'll hear from other proponents, those credits will automatically transfer to a four-year degree, should you decide to go pursue that. That's our current practice, that's our current state law. And I said that seems fair to me.

The tech schools offer a two-year associate of applied science degree. Those are referred to as career and technical degrees. The Constitution says the tech schools will retain sole jurisdiction over those kinds of degrees. So the line is drawn in the Constitution right where current practice is. The benefit of this is, as I see it, it gets you constitutional independence for the tech schools, which is something that has been kind of hanging over their head for quite a while. And it eliminates turf wars because now, no one is fighting over, you know, who gets to have what kind of student for what kind of program. So, I see it as a great benefit for everyone because, what prevents progress? Uncertainty and fear and turf wars. So, with that, I would urge your support.

**Lesli Jutting:** As proponents of the amendment, we are urging you to support HJR 1003. (*She essentially repeated the same testimony she had given to the House committee; see notes above.*)

**Jack Warner:** I want to begin by thanking Rep. Mickelson. He was very open to working actively with me and my Board president, Dean Krogman, to craft language that would clearly delineate the distinctive missions of the university system and the technical institutes. Those

mission distinctions play out and are well understood in postsecondary circles by degree-granting authority.

The language that you see before you clearly delineates what degrees fall under the Board of Regents and what institutions that offer those degrees would fall under the authority of the Board of Regents. And then what degrees fall outside of that: the associate of applied science and certificates, those degrees have meaning in the lexicon of higher education degrees. What the language creates here is a clear distinction that will avoid what we often refer to in higher ed circles as mission creep. It avoids any unnecessary duplication of degree-granting authority in our respective sectors.

Clearly, the associate of applied science and certificate institutions would fall under one form of governance under this modification and the associate of arts, associate of science, and higher level degrees would fall under the Board of Regents. We think this language benefits both sectors long term and benefits the state, because it will avoid unnecessarily duplicating degree-granting authority here. We support HJR 1003 and have been grateful to have the opportunity to impact its language.

**Patrick Weber:** I won't belabor the points already raised today, but I will say that Rep. Mickelson worked with us, along with the tech schools and the Board of Regents, and I think considering the storied history of conflict between those two organizations, the fact that they both spoke as proponents of this, is a sign that this constitutional amendment is carefully drafted and is balanced in a way that it needs to be before we put it in our Constitution. So we would ask for your support of this.

**David Owen:** Two points. Some of the early graduates of what was then vocational-technical education were engaged in installing 8-track tape decks in cars. Those positions no longer exist. Yeah, the tapes are cheap; take advantage! The economy has changed. The education demands have changed. This is a good bill. Point #2. You should know there is a group of industry leaders that are willing to raise the funds so that this doesn't get put on the ballot and abandoned to atrophy. There will be an advocate for votes for this. Thank you.

**Brenda Forman:** South Dakota's cooperatives receive a huge number of our employees from the tech schools in this state. We see this resolution changing the governance to make it clear a very positive move for them. We continue to look forward to the support and the employees that we pull from those institutions. With that, we'd ask for your support.

**Deb Mortenson:** We too rise in support of this. Workforce development is critical, and we will do what we can to support that.

**Matt McCauley:** I just want to give a little bit of, pardon the pun, a more "narrow slice" of how this would apply to a specific industry. The reality is, the technical schools are kind of wedged between the K-12 schools and the Board of Regents. We need a clear foundational governance system for that.

Valley Queen Cheese processes 1.4 billion pounds of milk on an annual basis. That's 75 truckloads a day, coming in 24 hours a day. You just run that math out, and factor in the

continued growth: that's a lot of truck drivers. As you look at processing 1.4 billion gallons of milk in a year, that's a lot of need for highly skilled, technical jobs to run those machines, the robotics, the energy systems, the HVAC, the electricians. South Dakota needs to continue to develop this kind of workforce, so we're fully in support of this resolution and would ask your support as well.

**Chairman Tim Rave** noted that a couple of folks wanted to go on the record as proponents of HJR1003, including himself. In the interest of time, he read those off:

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- Mike Cartney, president of Lake Area Technical Institute
  - Mark Wilson, president of Western Dakota Tech
  - Sen. Tim Rave
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Summary of Committee Testimony – Opponents:

There was no opponent testimony offered.

Questions from the Committee:

**Sen. Soholt** question to **Dr. Warner**: I just want to be sure I'm clear. If you're getting an RN degree from one of the technical institutes, it would be an associate of applied sciences? But if you would have a two-year RN degree from USD, that would be an ADN or associate degree under the Board of Regents?

**Dr. Warner**: Yes, you're quite right. USD offers the AS degree as part of its associate degree nursing program. And Southeast Tech offers the AAS degree. Both are recognized by the Board of Nursing as qualifying candidates to sit for the RN exam.

**Sen. Soholt**: In a follow up to that then, is there seamless articulation then if someone wanted to go from the AAS degree to the regental BSN? Is that a seamless articulation pathway for South Dakota?

**Dr. Warner**: Yes, we have an articulation agreement. We actually have a designed associate to BSN, ADN to BSN articulation program, where we award the essential credit toward completion of a BSN.

**Sen. Brown**: I move 'do pass.' (The motion was seconded by Sen. Holien.) You know, I would like to commend Rep. Mickelson for his efforts on this. I know in the 7 years I've been up here, we've gone back and forth a number of times on governance over the tech schools. None of those battles have ever ended very nicely. So, to be able to see the Board of Regents and the tech schools come forward with one proposal that they can get behind, I think is a great credit.

The second piece that I think is really critical here is the elimination of these turf wars that existed. To be able to incorporate both of those elements into this one piece I think is very good. I will tell you that probably one of my greater concerns was how the education component was

going to work with the state in terms of trying to make sure that the citizens understood what this did on the ballot. So I'm grateful to see the chamber come forward and indicate there are those folks who will be willing to put an effort toward that as we move toward the next general election.

**Sen. Rave:** I will just close by echoing those remarks. I've been here 13 sessions and I think we've had a governance battle probably for 10 of those. So, I do appreciate Rep. Mickelson taking the lead and really bringing all the parties together. I think we have just a great solution here that's very forward looking. I would urge support of the Brown 'do pass' motion.