

**SOUTH DAKOTA BOARD OF REGENTS**

**Planning, Governance, and Resource Development**

**AGENDA ITEM: 5 – I**  
**DATE: March 27-29, 2018**

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**SUBJECT**

**2018 Legislative Overview**

**CONTROLLING STATUTE, RULE, OR POLICY**

[BOR Policy 1:5, Section C.2 \(2.10\).](#)

**BACKGROUND / DISCUSSION**

The 2018 South Dakota Legislature ended with Veto Day March 26, 2018. This agenda item provides a brief, high-level review of major legislative achievements in this session.

**IMPACT AND RECOMMENDATIONS**

Given the unknowns of state finances at the start of the 2018 session, the Board of Regents had a successful session. Public higher education and the special schools were able to advance BOR-sponsored bills, as well as defend against legislation not favorable to the system.

After no state salary policy adjustments in 2017, the Legislature agreed to a 1.2 percent increase for 2018, while also committing additional financial support to health insurance coverage for all state employees and to campus maintenance and repair projects. Budget for the fiscal year beginning July 1, 2018, was adopted on the final day of the regular session March 9. Detail about approved budgets can be found in Board agenda items, *FY18 General Bill Amendments* and *FY19 Budget Summary*.

A short summary of key legislative activity this year follows:

- Sixteen of 17 bills filed on behalf of the Board of Regents were approved by the legislature. Bills passed were:
  - **HB1057** – Construct Madison Cyber Labs and demolish Lowry Hall at DSU
  - **HB1058** – Allow hiring of a single superintendent for both the School for the Deaf and the School for the Blind & the Visually Impaired
  - **HB1060** – Renovate Dakota Dome at USD
  - **HB1061** – Construct athletic fields at NSU

(Continued)

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**INFORMATIONAL ITEM**

- **HB1062** – Authorize purchase of Aberdeen property for NSU parking lot
- **HB1063** – Remove acreage restrictions on USD research park in Sioux Falls
- **HB1064** – Expand options for use or disposition of School for the Deaf property in Sioux Falls
- **HB1065** – Authorize renovation and an addition to the National Music Museum on the USD campus in Vermillion
- **HB1071** – Approve relocation and construction of a new School for the Blind & the Visually Impaired in Aberdeen and transfer real estate and facilities to NSU
- **SB47** – Extend authority to complete payments for USD sports arena
- **SB48** – Acquire Agricultural Experiment Station property in Meade County
- **SB49** – Acquire Agricultural Experiment Station property in Brookings County
- **SB50** – Construct American Indian Student Center at SDSU
- **SB51** – Construct athletic support facility at SDSU
- **SB52** – Demolish old swine unit property at SDSU
- **SB53** – Sell property and acquire property for SDSU West River Ag Center in Rapid City
  - The Board’s final bill (**HB1059**) – to amend the Uniform Fraudulent Transfer Act concerning payments of higher education expenses – was defeated in a House committee.
- In the closing days of session, two bills (**HB1264** and **SB183**) approved construction of and a funding stream for a new precision agriculture facility at SDSU. The project was sought by South Dakota agriculture and business interests to support a first-in-the nation SDSU bachelor’s degree in precision agriculture. The plan approved addresses various funding sources to cover about \$46 million for construction of a new classroom building and research laboratory.
- Effective for appointments made after July 1, 2018, Board of Regents’ members will be term limited to two, six-year terms, not to include partial terms. (**SB80**)

Several bills of interest to the BOR system were killed in the legislative process this year:

- **HB1199**, which would have prohibited BOR employees at universities and the special schools from collective bargaining. Failed 16-18 on the Senate floor.
- **SB193** was presented as an immigration enforcement bill to prohibit “sanctuary cities” and “sanctuary campuses.” Failed 15-20 on the Senate floor.
- **SB103**, to prohibit undocumented students from attending any public postsecondary institution and from receiving financial assistance. Killed 5-2 in a Senate committee.

- **HB1122** would have required legislative approval for tuition and fee increases at higher education institutions. Killed 9-3 in a House committee.
- Two bills were introduced to enforce “free speech” provisions on campuses. **HB1073** was killed 9-3 in a House committee, while **SB198** died on a 4-3 vote in a Senate committee. As SB198 was debated in the Senate Education Committee, several legislators said they expected the Board of Regents to review its free speech policies and do more work in this area in the coming year. Supporters stated their intention to bring another bill on this topic next session.
- Two bills to regulate firearms possession in gun-free zones were also unsuccessful. **SB87** failed 16-19 on the Senate floor, while **HB1299** was withdrawn at the sponsor’s request before a committee hearing.
- **HB1233**, which would have required institutions to raise maintenance and repair funding for any new non-revenue generating buildings, was tabled at the sponsor’s request in a House committee.
- **HB1316**, which would have required approval from the Interim Appropriations Committee before any multi-year federal grants could be amended or reinstated, was killed 4-0 in a House committee.

## ATTACHMENTS

None