

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**

**AGENDA ITEM: 7 – B**  
**DATE: December 9-10, 2020**

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**SUBJECT**

**2021 Board Sponsored Legislation**

**CONTROLLING STATUTE, RULE, OR POLICY**

[SDCL 13-51-1](#) – Legislative approval for facilities

[BOR Policy 6:10](#) – Legislative Authorization of Private or Grant Funded Facilities

[BOR Policy 1:12](#) – State Relations

**BACKGROUND/DISCUSSION**

The following bill has been developed for the Board’s review:

Board Office

*Self-support Tuition Rates*

An Act to revise and repeal certain provisions regarding self-support tuition rates at institutions governed by the Board of Regents. This bill removes the statutory references to self-support tuition rates associated with off-campus delivery, which will leave the tuition and rate setting with the Board as provided in SDCL [§13-53-6](#). The response to the COVID-19 pandemic has highlighted the challenges associated with attempting to draw a clear distinction between on-campus and off-campus delivery, as many courses have shifted to a hybrid model, utilizing a mixture of on-campus and off-campus delivery. Removing the statutory differentiation will provide the Board with the necessary flexibility to appropriately categorize the various delivery methods and set rates accordingly.

(Continued)

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**DRAFT MOTION 20201209\_7-B:**

I move to authorize the Executive Director to (1) submit the proposed bill and make such modifications or amendments to the bill are necessary and appropriate, provided such modifications or amendments do not change the fundamental purpose of the legislation, and (2) submit such additional legislation as may be necessary and appropriate, upon concurrence of a majority of the executive committee.

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**IMPACT AND RECOMMENDATIONS**

With approval, Board office staff will introduce the Board-sponsored legislation in substantively similar form to that contained in Attachment I and work with members of the Legislature and the Governor's office to have the legislation become law.

**ATTACHMENTS**

Attachment I – Self-support Tuition Rates

**STATE OF SOUTH DAKOTA  
NINETY-SIXTH SESSION  
LEGISLATIVE ASSMEBLY, 2021**

BILL NO.

Introduced by:

FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding self-support tuition rates at institutions governed by the Board of Regents.

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

**Section 1.** That § 13-51-1.2 be REPEALED:

**13-51-1.2. Tuition rates at off-campus locations.**

**Section 2.** That §13-55-1.3 be AMENDED:

**13-51-1.3. Sioux Falls site for instructional, research, and service programs—  
Limitations on use.**

The expenditures authorized by chapter 106 of the 2006 Session Laws shall be solely for the purposes of providing a site for the operation of instructional, research and service programs delivered through institutions established by the Legislature and governed by the Board of Regents. The Board of Regents may only use the property for the primary purpose of education or research. It is the intent of the Board of Regents and the Eighty-first Legislature that the Board of Regents may not without express legislative authorization:

- (1) Organize the programs delivered at this site into a separate degree-granting institution;
- (2) Erect student residence facilities on the site;
- (3) Construct facilities on the site for use as intercollegiate athletic practice or competition;
- (4) Establish intercollegiate athletic teams at the site;
- (5) Sell any portion of the property acquired pursuant to chapter 106 of the 2006 Session Laws unless the property is appraised and advertised and offered for sale at public auction. No portion of the property may be sold except at public sale and for an amount less than the appraised value;
- ~~(6) Offer courses taught on the property at any rate other than the self-support tuition rate;~~
- ~~(7)(6)~~ Lease for nonagricultural purposes more than ten percent of the surface area of the property to third parties;
- ~~(8)(7)~~ Lease to third parties more than ten percent of the useable space within any building constructed with state funds appropriated by the Legislature; or
- ~~(9)(8)~~ Permit any free-standing commercial facility to be constructed on the property or any commercial facility to be located within any building constructed with state funds

unless the commercial facility is reasonably needed to meet the convenience and needs of the students and instructors using the building.

**Section 3.** That §13-55-2.1 be REPEALED:

**13-55-2.1. Veterans enrolled at self-supporting off-campus institution entitled to reduced tuition.**