

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
February 1, 2019**

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**BOARD OF REGENTS  
MINUTES OF THE MEETING  
Board of Regents Central Office (Teleconference)  
Pierre, South Dakota  
February 1, 2019**

The South Dakota Board of Regents convened by teleconference at 4 p.m. Central Time on February 1, 2019 with the following members in attendance:

ROLL CALL:

Lucas Lund – PRESENT  
David Mickelson – PRESENT  
Jim Morgan, Secretary – ABSENT  
Pam Roberts – PRESENT  
Randy Schaefer – PRESENT  
Jim Thares – PRESENT\*  
Joan Wink – PRESENT  
John Bastian, Vice President – PRESENT  
Kevin Schieffer, President – PRESENT

\*Regent Thares joined after the roll call was taken.

Also present were Dr. Paul B. Beran, Executive Director and CEO; members of the system office and other members of the regental system.

Regent Schieffer called the public meeting of the Board of Regents to order at 4 p.m. and declared a quorum present.

**2019 LEGISLATIVE SESSION UPDATE**

Dr. Janelle Toman, System Director of Communications, explained that yesterday was the end of Week 4 and the final day for bill introduction. There have been 460 bills total filed in the House and Senate, which is fewer than average. She said this week the Board of Regents had its Appropriations Committee Budget Hearing on January 28-29 and that staff are working on the information requests from legislators as a result. She also said Regent Lucas Lund was in Pierre Thursday for his confirmation hearing before the Senate Education Committee. After an introduction by Dr. Beran, brief remarks by Regent Lund, and several questions from the committee, Regent Lund was recommended for confirmation by the full Senate on a committee vote of 6-0. The full Senate will act on Regent Lund's confirmation on Tuesday. Because of his out-of-state business commitments, Regent Mickelson's confirmation hearing will be scheduled at a later date.

Dr. Toman provided a status update of all Board of Regents sponsored bills. She noted that the first of our BOR bills is through the legislative process and on its way to Governor Noem for her consideration:

- HB1037 (NSU regional sports complex) – Passed 31-2 in the Senate on Thursday. Bill is through both bodies with no amendments and on its way to Gov. Noem. As a reminder, the Governor has five business days once a bill reaches her desk to sign, veto, or allow a bill to become law without her signature.
- HB1038 (demolish Scobey Hall at SDSU) – Awaits a final Senate vote and then should be headed to the Governor’s desk.
- HB1045 (redefine campus security officers for SDRS purposes) – Already through the House, awaits a hearing in Senate Retirement Laws Committee on Tuesday. This bill has been non-controversial.
- SB44 (SDSU land transactions) – Already through the Senate and posted for final action Tuesday on the House floor. Should be headed to the Governor after that.
- SB40 (transfer ADRDL property at SDSU) – This bill has been non-controversial and passed on the non-debate Consent Calendar in the Senate. It is pending a hearing in House Agriculture & Natural Resources Committee.
- SB43 (SDSU Vet 2+2 program) – Passed 32-1 on the Senate floor Thursday. Needs to make its way through the House, but no House committee hearing posted yet.
- SB41 (bond refinance savings) – No activity to date on this bill.

Dr. Toman pointed to three other bills that are of interest to the regental system:

- HB1087 – Promote intellectual diversity at certain institutions of higher education
  - Dr. Beran explained that this bill is scheduled for its first hearing Wednesday (Feb. 6) in the House Education Committee. He shared information on the bill’s draft talking points and described the essence of the bill, explaining that it has us going about the issues in ways that preclude appropriate analysis, create unfunded mandates for the universities, and have a variety of unintended consequences for students.
  - Regent Schieffer noted that he drafted a letter outlining his feedback on this bill. He noted that he shared this letter with regents individually, and suggested that Dr. Beran share the letter with presidents as well.
  - Dr. Beran as well as Regent Roberts and Wink complimented Regent Schieffer on the letter.
  - Regent Wink asked several questions about the sections of the bill that dealt with course requirements and the civics test requirements and how those overlap with high school requirements. She also queried as to whether the Senate and House Education Committees understood the intensive process of restructuring the general education curriculum the system recently undertook. Dr. Beran explained that he included an explanation of this effort in his recent presentations to the education committees.
  - Regent Schieffer asked for a formal Board position on HB1087.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to oppose HB1087.

ROLL CALL:

Lund – AYE  
Mickelson – AYE

Morgan – ABSENT  
Roberts – AYE  
Schaefer – AYE  
Thares – AYE  
Wink – AYE  
Bastian – AYE  
Schieffer – AYE

Motion Passed.

- Dr. Beran described his conversation with Speaker of the House Haugaard about the bill.
- Dr. Toman said that over the next several days the focus, including Cracker Barrels and others, will be to speak with members of the House Education Committee.
- General Counsel Lukkes reiterated the importance of reaching out to the House Education Committee members and asked for help from the regents and presidents in this effort.
- SB122 – Restrict the enactment of policies governing the possession of firearms at public institutions of higher education.
  - General Counsel Lukkes said as drafted this bill allows firearms possession everywhere on the public university and technical institute campuses. No restrictions would be allowed by Board policy beyond limitations and restrictions set forth in law. He said he is talking with the lobbyist for the technical institutes about their strategy on this. This bill has not yet been scheduled for a hearing. It is assigned to Senate Judiciary Committee, which will be a difficult place to get it killed.
  - Regent Schieffer recommended we oppose SB122 and asked for a formal vote.

IT WAS MOVED by Regent Schieffer, seconded by Regent Mickelson, to oppose SB122.

ROLL CALL:

Lund – AYE  
Mickelson – AYE  
Morgan – ABSENT  
Roberts – AYE  
Schaefer – AYE  
Thares – AYE  
Wink – AYE  
Bastian – AYE  
Schieffer – AYE

Motion Passed.

- In response to a question from Regent Schaefer about which legislators from university communities they should talk to, General Counsel Lukkes gave

- suggestions and said he would be following up with individual calls to regents and presidents.
  - Additionally, General Counsel Lukkes noted that the NRA is standing down on this bill, which is helpful
  - Regent Schieffer said the fact that the NRA is standing down is significant and this should be included in our talking points.
- SB116 – Provide for the transfer of funds from the future fund to the education enhancement trust fund for the purpose of funding needs-based grants.
  - Dr. Toman explained that as introduced this bill filed by several Democratic legislators seeks to take \$5 million from the Future Fund and place it in the Education Enhancement Trust Fund for needs-based grants to college students. The bill had its first hearing Thursday. The Noem administration opposes the bill for its raid on Future Fund monies, which are normally dedicated to research and state economic development purposes. During the hearing, Sen. Jeff Partridge agreed that finding more money for needs-based grants was important. He amended the appropriation in the bill to \$1, positioning this bill as a ‘placeholder’ for further discussions about needs-based funding as the session progresses. If money is found in the state budget to support this, it may come as amendments to this bill. For now, the bill is pending further action in the Senate Appropriations Committee.
  - Dr. Beran said he and Sen. Partridge have been in communication and plan to speak first thing Tuesday morning about strategies and where the money will come from. He said this is in forward motion.
  - Regent Schieffer said we will need a lot of help on this effort when the time comes.

**ADJOURN**

IT WAS MOVED by Regent Wink, seconded by Regent Lund, to adjourn the meeting of the full Board at 4:40 p.m.

**ROLL CALL:**

Lund – AYE  
 Mickelson – AYE  
 Morgan – ABSENT  
 Roberts – AYE  
 Schaefer – AYE  
 Thares – AYE  
 Wink – AYE  
 Bastian – AYE  
 Schieffer – AYE

Motion Passed. Meeting adjourned.

The South Dakota Board of Regents adjourned its special meeting on February 1, 2019 and will meet again for its regular session on April 2-4, 2019 in Spearfish.

I, Dr. Paul Beran, Executive Director and CEO of the South Dakota Board of Regents, declare that the above is a true, complete and correct copy of the minutes of the Board of Regents meeting held on February 1, 2019.

A handwritten signature in black ink, appearing to read "Paul B. Beran", with a long horizontal flourish extending to the right.

Dr. Paul B. Beran  
Executive Director & CEO  
South Dakota Board of Regents