

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
Board of Regents Central Office (Teleconference)  
Pierre, South Dakota  
January 20, 2017**

The Board of Regents convened by teleconference at 4:00 p.m. Central Time on January 20, 2017 with the following members in attendance:

**ROLL CALL:**

Randy Schaefer – ABSENT  
Bob Sutton – PRESENT  
Kevin Schieffer – ABSENT  
Conrad Adam – PRESENT  
John Bastian – PRESENT  
Harvey Jewett – PRESENT  
Kathryn Johnson – PRESENT  
Jim Morgan – ABSENT  
Pam Roberts – ABSENT

Also present were Mike Rush, Executive Director and CEO; Monte Kramer, System Vice President of Finance and Administration; Guilherme Costa, BOR General Counsel; Kayla Bastian, System Human Resources Director; Janelle Toman, Director of Communications; Molly Weisgram, System Director of Student Affairs and Executive Administrative Assistant to the CEO and Board; and other members of the Regental system, public at-large, and media.

Regents' Vice President Bob Sutton called the public meeting of the Board of Regents to order and declared a quorum present.

**APPROVAL OF THE AGENDA**

The agenda was approved as published.

**2017 LEGISLATIVE SESSION UPDATE**

Dr. Janelle Toman, Director of Communications, provided an overview of the 2017 Legislative Session to date. She explained that the legislators have been primarily focused on pre-filed bills. Over the next two weeks, it is anticipated that many more bills will be filed.

She explained that four of the seven pre-filed Board of Regents bills were heard in committee earlier today. All were unanimously approved and will be brought to the floor next week. These included SB 17 (to construct a replacement for the natural resources research and support facility at SDSU), SB 18 (construct a renovation/addition to the Stanley J. Marshall Center at SDSU), HB 1008 (SDSU purchase real property), and HB 1009 (accept a land donation to SDSM&T).

The three remaining Board of Regent' bills will be scheduled for a committee hearing in the near future.

She noted that the Board of Regents office has been monitoring HB 1005, which would require additional financial reporting on university center operations. She explained that we anticipate a series of amendments to this bill, which should improve the bill from our perspective.

She talked about SB 65 which establishes a new Board of Technical Education. She explained that the bill was just filed today.

Dr. Mike Rush, Board of Regents Executive Director, said the technical school leadership provided the Board office an advance copy of the bill, and some initial feedback has been provided in return. He said the bill essentially ports over the responsibilities now held by the Department of Education to the Board of Technical Education. The bill describes what the Board of Technical Education would administer. The language includes a clear mission of the Technical Institutes so there should not be overlap or duplication.

Regent Harvey Jewett expressed concern about the term “career training” in the bill. He said the bill currently refers to “career training” as being designated to the Secretary of Education. Under the Board of Technical Education, it would be under the control of the Director. This is problematic because the Board of Regents also offers “career training.”

He asked Dr. Rush and the Board staff to take a close look at the bill to make sure it includes plain language so that future readings, without the context of today, continue to translate the intended meaning. He said it is important to look at the language from the perspective of how the Board of Regents will think of it in thirty years. He said we should err on clarity and not what the drafters intend.

Regent Kathryn Johnson agreed and said in the future “career and technical education” may be less clear. Nursing for instance is training that already blurs these lines.

After additional discussion, the Regents again pointed to the phrase included in the bill that says, “and all career and technical education as assigned by the Director.” Dr. Rush said this language was limited to K-12 education oversight.

Guilherme Costa, Board of Regents General Counsel, shared a previous discussion with the authors of the bill, saying that he raised the same concern. However, the authors decided to leave that clause because the scope of authority is limited to K-12 and the Secretary of Education can only assign something to the Director that he/she already has authority over.

Regent Jewett appreciated that explanation and understood the logic. That said, he felt that the language could be clearer so that there was no ambiguity in the future.

Regent John Bastian said he had the same concern and recommended finding language to clarify.

Additionally, Regent Jewett asked that Dr. Rush and Board staff review the bill language as it relates to branch campuses of the technical institutes. He said the bill does not appear to limit those schools from opening branches in cities where they are not currently located.

**ADJOURN**

IT WAS MOVED by Regent Jewett, seconded by Regent Bastian to adjourn the meeting of the full Board at 4:30 p.m.

**ROLL CALL:**

Randy Schaefer – ABSENT

Bob Sutton – AYE

Kevin Schieffer – ABSENT

Conrad Adam – AYE

John Bastian – AYE

Harvey Jewett – AYE

Kathryn Johnson – AYE

Jim Morgan – AYE

Pam Roberts – ABSENT

Motion carried. Meeting adjourned.