



## 2020 South Dakota Legislature

# House Bill 1251

Introduced by: **Representative** Mulally

1 **An Act to establish membership of the Board of Regents.**

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

3 **Section 1.** That § 13-49-1 be AMENDED:

4 **13-49-1. Control of educational institutions vested in board--Appointment of**  
5 **members.**

6 The control of the public postsecondary educational institutions of the state offering  
7 college credit, which are sustained wholly or in part by the state, is vested in a ~~board of~~  
8 ~~nine members,~~ designated as the Board of Regents. ~~The,~~ appointed by the Governor shall  
9 ~~appoint the members,~~ with the consent of the Senate.

10 **Section 2.** That § 13-49-2 be AMENDED:

11 **13-49-2. Qualifications of members of board.**

12 Each regent ~~who is a regular member~~ shall be a person of probity and wisdom and  
13 selected from among the best known citizens, who are residents of different portions of  
14 the state.

15 No regent may be a resident of a county in which an institution of higher education  
16 under the board's control maintains its principal physical presence.

17 No two regents may be residents ~~in~~ of the same county ~~and not more than six may~~  
18 ~~be members of the same political party.~~ One regent shall be the student regent as provided  
19 in ~~§ 13-49-6.1.~~

20 A regent's residence is determined by where the regent is registered to vote.

21 **Section 3.** That § 13-49-3 be AMENDED:

22 **13-49-3. Term of office of regents.**

23 Each regent, ~~except the student regent,~~ shall be appointed for a term of six

1           The term of each person serving as a regent on June 30, 2020, shall expire on July  
 2           1, 2020, and the Governor shall then appoint five members to serve as the Board of  
 3           Regents.

4           The Governor shall determine who among the five appointees shall serve for a term  
 5           of one year, which two among the five appointees shall serve for a term of two years, and  
 6           which two among the five appointees shall serve for a term of three years. Thereafter, the  
 7           term of each regent appointed under this section must be three years.

8           The term ~~shall expire~~ expires on the last day of ~~March~~ June or when a successor is  
 9 appointed and qualified, unless removed as provided in § 3-17-1.

10           No regent appointed on or after July 1, 2018, ~~and without any previous service on~~  
 11 ~~the board 2020,~~ may serve more than two consecutive three year terms. ~~However, after~~  
 12 ~~serving two consecutive terms, a regent may be reappointed after at least two years have~~  
 13 ~~passed since the expiration of the regent's last term. Any partial term to fill a vacancy on~~  
 14 ~~the board. An appointment to a term having a duration of less than three years may not~~  
 15 count against the two-term limit.

16 **Section 4.** That § 13-49-4 be AMENDED:

17           **13-49-4. Filling of vacancies--Failure of senate to confirm--New appointee**  
 18 **named.**

19           If a vacancy occurs as provided in § 3-4-1, the Governor shall fill the vacancy by  
 20 appointment, and the appointee shall serve for the balance of the unexpired term.  
 21 ~~However, if~~ If the Senate, at the next legislative session, fails to confirm the appointee,  
 22 the appointee shall only serve until the last day of ~~March.~~ Then June. ~~Thereafter,~~  
 23 a new appointee shall be named by the Governor. The subsequent appointee is subject to the  
 24 same conditions as set forth in this section.

25 **Section 5.** That § 13-49-6.1 be REPEALED.

26           **13-49-6.1. Student regent appointed by Governor--Term of appointment--**  
 27 **Voting member.**